

Senator D. P. H. Hastings departed for home, expecting to be present at 10:30 at the unveiling of the monument and image tablet in support of his bill, the 10th Paid Income Tax. The committee takes place today. H. A. Hastings and others will be present. A large turn is expected and there will be all evening concert.

SIX LOTTERY ACQUITTALS

J. D. Holt Named in Divorce Suit.

(From Wednesday's Advertiser.)

Gan Ching alias Yow Yip, Bing Lum, Sin Gee Tai, Sack Gun, Dong Young Kee and Duck Fim, after a trial lasting all of yesterday before Judge De Bolt, were found not guilty of maintaining and conducting a lottery. W. S. Fleming, Assistant Attorney General, appeared for the Territory; E. A. Douthitt for the defendants. The jury consisted of H. C. Austin, C. H. Bellina, P. Lishman, John Coffee, Henry Cook, G. Kealohapauole, Jas. Bicknell, S. K. Paulo, J. Kidwell, Jessin Andrade, W. E. Brown and Henry P. Kaohi.

Another lottery case with several defendants comes next in order for trial.

SUES FOR DIVORCE.

Hiram Kolomoku, who lately brought suit for damages against John D. Holt, Jr., for seduction of wife, yesterday by his attorney, E. A. Douthitt, brought a divorce suit against Mrs. Kolomoku on statutory grounds, naming the said Holt as co-respondent.

JUDGMENTS RENDERED.

Judge Gear rendered judgment for plaintiff for possession of land and costs of court in the suit of Samuel Kaahu vs. Kaupane Naupoe. J. M. Poopoe appeared for plaintiff, while defendant made default of appearance. The land in question is a house lot at Kawaiipilo, Kapalama, Honolulu, containing 1.44 square chains.

Judge Gear gave judgment for defendant with costs in the suit of Hawaiian Star Newspaper Association vs. J. S. Bailey, Thayer & Hemenway for plaintiff; defendant in person. It is a reversal of District Magistrate Dickey's judgment for plaintiff for \$40.31 on account of an advertising bill.

Before Judge Robinson, the appeal of defendant was discontinued in the suit of Lo Kai alias Yee Wo vs. Shlimoda Sentaro, A. G. Correa for defendant. District Magistrate Dickey's judgment appealed from was for plaintiff for \$49.47.

Judge Gear ordered the case of Schweitzer & Co. vs. C. J. Fisher dismissed for lack of prosecution. J. A. Magoon appeared for defendant.

COURT NOTES.

Christina Mai, widow of Lum Hoy, petitions that letters of administration on her late husband's estate be issued to Walter C. Weedon. The estate is valued at \$2975, of which \$2900 is life insurance. Heirs at law are petitioner, a married son and three young children.

In the suit of Judge De Bolt against Yee Chin and others, upon the bond of Choo Mon, administrator, who absconded to Manila with \$300, defendants Yee Chin and Lam Hong enter an answer of general denial by A. H. Crook, their attorney.

Eight days are allowed by Judge Gear for the filing of briefs in the Bailou telephone injunction case.

Judge Robinson will resume the hearing of the Pacific Heights case this morning.

Judge Robinson denied the motion for a new trial of Jack Morgan, convicted at last term of seduction and sentenced to six months' imprisonment.

NEW DIRECTORS OF PEPEKEO COMPANY

At the quarterly meeting of Brewer & Co. yesterday morning the affairs of the Pepekeo plantation were discussed at length, and resulted in the firm taking over the agency which was formerly held by Davies & Co. The recent deal in Pepekeo stock gave the control to Brewer & Co., Alexander Young having disposed of his interest. A large portion of the stock is controlled by Mrs. Julia Afong.

The new directorate of the plantation is as follows: W. F. Allen, president; W. H. Baird, vice-president; G. H. Robertson, treasurer; E. F. Bishop, secretary; T. R. Robinson, auditor; C. M. Cooke, director. All of the above excepting the auditor constitute the board of directors.

The old directorate which is superseded was as follows: Alexander Young, president; W. F. Allen, vice-president; F. M. Swanzy, treasurer; W. H. Baird, secretary; H. M. Mist, auditor; C. C. Kennedy, director.

DELEGATE WILL AID EXCHANGE

The secretary of the Builders and Traders Exchange has received from Delegate Kalaniana'ole the following letter acknowledging receipt of the joint resolution of the Exchange and the Honolulu Trades and Labor Council to Congress:

I am in receipt of your letter of the 14th instant, enclosing letter from Secretary of Honolulu Trades & Labor Council, and the joint Memorial to Congress of the Exchange and Council, asking legislation restricting the employment of non-American citizens as those individuals to become such, directly or indirectly in public work in the Territory of Hawaii, and providing penalties for violation.

morial, and desire to congratulate you and the Exchange on the clear and forcible manner in which the facts are presented. It all meets my hearty approval, and I will present the Memorial to Congress, asking for the reference as requested and also that it be printed.

I will do all in my power to secure favorable action on the memorial in committee, and bring before them such additional information on the subject as I can procure from the Department of Commerce and Labor. I shall also take the matter up with members of Congress generally and continually urge the necessity for the legislation asked for. I fully appreciate all that the Exchange is doing and its kindly feeling towards me. Will be glad to help you in any way that I can.

THE EXECUTIVE APPOINTMENTS

(From Thursday's Advertiser.)

As foreshadowed in yesterday's Advertiser, Governor Carter the same day made the following appointments:

To be Treasurer of the Territory—A. J. Campbell.

To be President and member of the Board of Health—L. E. Pinkham.

All of the executive appointments made since last session of the Senate, being in office at date, were sent to the Senate by message yesterday. All were confirmed with one exception stated in the report of Senate proceedings elsewhere, and in that case the Governor was not desirous of confirmation for the reason given by Senator Paris. The list follows:

Lorrin Andrews, Attorney General, Nov. 25, 1933; C. S. Holloway, Superintendent of Public Works, Nov. 25, 1933; Alatau T. Atkinson, Superintendent of Public Instruction, Nov. 25, 1933; James W. Pratt, Commissioner Public Lands, Dec. 1, 1933; J. H. Fisher, Auditor, Nov. 25, 1933; Arthur M. Brown, High Sheriff, Dec. 11, 1933; Walter Eugene Wall, Surveyor, Nov. 30, 1933; A. J. Campbell, Treasurer, April 13, 1934; L. E. Pinkham, President and member Board of Health, April 13, 1934; John C. Lane, member Board of Health, Dec. 15, 1933.

Appointment of members Honolulu Park Commission with commissions dated January 12, 1934, are as follows: E. S. Cunha, A. S. Cleghorn, L. A. Thurston, Henry E. Cooper, Walter M. Giffard, F. M. Hatch.

E. C. Waterhouse, M. D., member Board of Medical Examiners (recommissioned), Mar. 5, 1934.

Boards of Inspectors of Animals—Port of Kahului, Island of Maui: W. F. McConkey, M. D., member and executive officer; Edgar Morton, member; W. T. McManus, member; commissions dated Sept. 15, 1933.

Board of Registration—For Islands of Kauai and Niihau: Arthur H. Rice, member, Sept. 22, 1933.

Inspectors of Election—First District, Island of Hawaii: C. N. Prouty and Wm. Geo. Kithenul, Third Precinct; Ira E. Ray and David Ewaldick, Fourth Precinct; B. N. Kahne, Seventh Precinct; Henry Louisson, Eighth Precinct; T. N. Nalelehu, Tenth Precinct; commissions dated Oct. 2, 1933.

Second District, Island of Hawaii: Geo. P. Tulloch, Robert K. Naipo, Thomas Ali and J. L. Kawewehi, First Precinct.

Third District, Islands of Maui, Molokai, Lanai and Kahoolawe: Chas. Gay, Fifth Precinct; H. T. Bateale, Eighth Precinct; W. S. Nicol and J. H. Nui, Tenth Precinct; F. P. Rosecrans, Thirteenth Precinct; M. H. Kane, Fourteenth Precinct; A. S. Kaholokai and Edward Wilcox, Fifteenth Precinct.

Fourth District, Island of Oahu: Harry Macfarlane, First Precinct; W. S. J. O. Makekau, Second Precinct; William Savidge and F. B. Angus, Fourth Precinct.

Fifth District, Island of Oahu: S. L. Kaual, First Precinct; Oscar Cox, Third Precinct; Lena Spencer, Fourth Precinct; Moreno Hula, Eighth Precinct; C. F. Alexander, Ninth Precinct.

Sixth District, Islands of Kauai and Niihau—Huddie, Jos. L., Eighth Precinct; Scott, Robert, Eighth Precinct.

All the commissions of election inspectors are dated October 2, 1933.

KEPOIKAI GOES BACK TO MAUI

Judge A. N. Kepoikai vacated the office of Territorial Treasurer to his successor yesterday afternoon. He goes to Maui next week and, if his confirmation as Third Circuit Judge by the U. S. Senate be cable in the meantime, will forthwith assume his judicial functions. Mr. Kepoikai was appointed as Treasurer by Governor Hale on December 6, 1932.

His former incumbency of the Circuit Court bench was by appointment of Queen Liliuokalani in 1927 shortly before the overthrow of the monarchy, and he resigned rather than take the oath to the Provisional Government. Mr. Kepoikai's first judicial experience was as District Magistrate of Wailuku, being appointed to the office in 1930. Maui is his home island and there he is highly popular but his good presence will be greatly missed in Honolulu.

THE EXHAUSTING PAIN FROM some business or political may be relieved by a free application of Chamberlain's Colic, Cholera and Diarrhoea Remedy. It is a sure cure for all such ailments.

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MANY THIRD READINGS FOR THE SENATE TODAY

(From Wednesday's Advertiser.)

Although the Senate yesterday deferred the third reading of the appropriation bill for salaries and pay rolls until this morning, it did so for good reason, as will be seen in the report below, and performed a considerable amount of other business to account for the day. The bill relating to costs of court, which is designed to make those who go to law pay for law and compels citizens to give free jury service in upholding the criminal laws, passed third reading and was transmitted to the House of Representatives.

Several important financial bills were advanced different stages, while some measures that were liable to provoke debate and unnecessarily prolong the session were either abandoned or relegated to the regular session of the next Legislature, providing they may then be fortunate enough to have sponsors.

The House of Representatives, having got well ahead of its work, rested on its oars yesterday. Representatives joined Senators upon a trolley excursion to the Aquarium in the morning.

HOUSE

MORNING SESSION.

The House of Representatives had little business to transact yesterday forenoon and ten minutes after convening had accepted the invitation of Manager Ballentyne to take a trolley ride over the Rapid Transit system.

Upon convening two communications from Secretary Atkinson were received notifying the House that Governor Carter had signed Acts 1 and 2, providing for the expenses of the House and Senate during the special session.

The Clerk of the House made out warrants for the members, and a raid was soon begun on Treasurer Kepoikai's funds.

The Senate also informed the House that it had passed Senate Joint Resolution No. 1.

Upon taking a recess the legislators were conveyed in two large cars to Waikiki where they visited the Aquarium.

AFTERNOON SESSION.

Senate Bill No. 8, passed its first reading.

Senate Bill No. 7, to amend Act 17 of the extra session of 1933 passed first reading.

Senate Bill No. 6, to amend Sec. 13, Act 55 of the Session Laws of 1933 passed first reading.

Fernandez wanted all the House members furnished with copies of the bills as he wanted to know something about them.

The Senate resolution providing for the putting into effect the various measures presented at the special session was read.

Kumalea moved for the adoption of the resolution. Chillingworth moved its reference to the Judicial committee on the ground that he was doubtful of the legality of the proceeding.

The vote resulted in the rejection of the resolution by a vote of 15 ayes, and 10 noes. Chillingworth again moved to refer to the Judiciary committee, which was done.

A communication from Solomon Meheula, former clerk of the House, relative to the preparation of House proceedings in the Hawaiian language, was presented, read and referred to the Finance committee as follows:

Honolulu, April 11, 1934.

To the Speaker and members of the House of Representatives:

In pursuance to Resolution No. 39 of the House of Representatives of the Territory of Hawaii in the extra session of the Legislature of the year 1933, as clerk of the said House of Representatives I have had the journals of the said House prepared, translated and printed in English and Hawaiian. I was only able to have the English version of the journals of the regular and extra sessions bound in one volume, but owing to its bulkiness and the larger time necessary to have the same translated into Hawaiian and printed, I have had the Hawaiian version bound separately.

In consultation with the Speaker we have decided with a view of reducing the expense of translation and printing, to eliminate from the Hawaiian version of the journal of the extra session, the Conference committee reports, verbatim.

And as you, gentlemen, are well aware of the fact that whilst ordering the work to be done there was no appropriation made by you for the payment of the expenses incurred for the preparation, translation and printing of the extra session journal, I therefore respectfully ask you to consider this matter.

Should you deem it advisable to consider this matter in this special session, I will prepare a list of items of expenses incurred to be submitted to a committee of your honorable house to whom this matter may be referred.

SOLOMON MEHEULA.

A bill of the Bulletin company showing a discrepancy of \$108.89 overcharge for 50 pages of work more than were really printed was presented by Harris for reference back to the Finance committee. The bill was as follows:

To Bulletin Pub. Co., 100 copies extra session journal, House of Representatives, 1933, 250 pages, rate \$2.10; amount, \$525. Less 45 pages (2100 lines) error in printer's makeup, rate \$1.10; amount, \$495.00; total, \$30.80.

House Bill No. 6, relating to multi-circuit inferior was brought up for third reading. Kuylenstierna moved that the bill be indefinitely postponed. The bill, however, was passed.

Senate Bill No. 1, appropriating general expenses for the departmental use of the Territory during the year ending July 1st, and reading with the extra day of June 1st, amounting to \$1,000,000, was passed on for morning reading, and was passed accordingly.

Harris introduced a bill covering unpaid departmental bills up to December 31, 1933.

SENATE

When the Senate opened at 1:30 yesterday afternoon, a letter from Secretary Atkinson was read announcing that the Governor had signed Act No. 2, which appropriates \$10,000 for defraying the expenses of the House of Representatives for this session.

BILLS TABLED.

Mr. Achi presented a majority report, signed by Mr. Brown with himself, finding that the object of Senate bill No. 11 is covered by the changes made in the Appropriation bill. Therefore it was recommended the bill be laid on the table. The report was adopted. The bill related to the Land Registration Court salaries.

Mr. Achi presented a majority report of the Judiciary Committee on Senate bill No. 19, relating to the Bureau of Conveyances. It was signed by J. T. Brown with himself and recommended certain amendments, including the striking out of the first section as already covered by bill No. 6. Mr. Dickey declined to concur, saying it was not a financial measure and ought to be postponed to the regular session. The reports were laid on the table to be considered with the bill. When they came up on the orders, the bill was laid on the table.

THIRD READINGS TODAY.

The bill to repeal Chap. 79 of the P. G. laws, providing for the issuance of Treasury notes, passed second reading, to be read a third time today. Mr. Achi explained before the vote that there was doubt as to the legality of Treasury notes under the Organic Act, therefore it was deemed best to repeal the law.

The bill authorizing the Treasurer to open accounts with any bank or banks, subject to the approval of the Governor, passed second reading, to be read a third time today.

The House bill relating to internal taxes came up on second reading and Mr. McCandless moved it be referred to the Judiciary Committee.

Mr. Achi said they would save time by passing the bill. Its only idea was to allow the Treasurer to pay collectors of taxes by commission or salary as he saw fit. Down at Ewa the collector would make \$5000 by commission, so he was paid a salary but it was not legal.

Mr. Brown wanted it referred to a committee because if collectors were paid salaries they would not go round as they ought.

Mr. Dickey was in favor of referring the bill but wanted it passed first. Mr. McCandless asked why and the speaker answered because it only needed a change of wording to make it properly express its idea.

The bill passed second reading and then Mr. Dickey moved it be referred to the Finance Committee, but the motion failed to obtain consent for suspending the rules as necessary and the bill was ordered read a third time today.

THE INDIGENT SICK.

Mr. McCandless moved to postpone the third reading of House bill No. 1, the salary and payroll appropriations, until 9 o'clock this morning. He gave as the reason that a movement was on foot, with which it was believed the House would agree, to provide something for the indigent sick. Carried.

COURT BILL PASSED.

The bill relating to costs of court came up on third reading. Mr. Dickey caused amusement by rising, as the clerk finished the reading of his own bill, to move an amendment relating to bill, to move an amendment relating to the license bill not then before the Senate. Mr. Achi made some remarks in favorable explanation of the bill.

The bill passed third reading by the following vote:

Ayes—Achi, Brown, J. T. Crabbe, Dickey, Benberg, McCandless, Nakapahu, Paris, Wilcox, Woods—10.

Noes—Kaine, Kakaekalani, Kaohi—8.

LOAN ACT CHANGES.

Mr. Dickey gave notice of a bill to amend Act 18 of the extra session of 1933.

Senator McCandless gave notice of a bill to amend Act 18 of the extra session of 1933. It was read a second time and referred to the Finance Committee.

The two bills just mentioned are to amend the loan appropriation bills. An arrangement has been made whereby the first one will be tabled and the second one passed. It makes the following changes: Cut out Kakaekalani's name. Add purchase and grading of Arakani school site, \$25,000, and storm drains, general, \$5000.

DEPARTMENTAL BILL. Mr. Achi gave notice of a bill authorizing the deposit of public money in a designated depository or depositories and providing for the safe keeping and payment thereof, and to provide for interest thereon. It was read a first time and under suspension of the rules

was referred to the Finance committee. Following is the text of the bill:

Section 1. Any banking association or banking corporation, whether incorporated under the laws of the Territory or otherwise, or any copartnership that carries on the banking business in the City of Honolulu, Island of Oahu, may be designated by the Treasurer of the Territory, with the approval of the Governor of the Territory, as a depository of public money, and may also be employed as a financial agent of the Territory. Any such association, corporation, or copartnership shall perform all such reasonable duties as depositaries of public moneys, and financial agents of the Territory, as may be required of them. The Treasurer of the Territory shall require the association, corporation, or copartnership thus designated to give satisfactory security by the deposit of bonds of the Territory of Hawaii, or United States, or other security, or bond approved by the Treasurer and the Governor, in an amount not less than the aggregate sum at any time deposited with such association, corporation, or copartnership, for the safe keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government; which bonds, or security, or bond, when so deposited with the Treasurer shall be held as security for such safe keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government.

Section 2. It shall be the duty of the Treasurer of the Territory to deposit all public money which shall come into his possession or control in a banking institution or banking institutions designated as a public depository under the provisions of this Act, and any such depository or depositories shall only pay out such money upon the warrant or warrants of the auditor as now provided by law, or in such other manner as provided by law.

Section 3. Such Treasurer of the Territory, with the approval of the Governor, shall have power to make all necessary rules and regulations governing the deposit and withdrawal of the public money over which he may have control, not inconsistent with law, and the same to alter, amend, rescind or abolish at his pleasure, and to prescribe all necessary forms for the carrying out of the provisions of this Act.

Section 4. Whenever any portion of the funds of the Territory are deposited in a depository, the Treasurer of the Territory and the surety on his bond, shall be exempt from all liability by reason of the loss of any such deposited funds from failure, bankruptcy or any other act of such bank to the extent and amount of such funds in the hands of such bank at the time of such failure or bankruptcy.

Section 5. This Act shall take effect and be in force from and after its approval.

SALE OF BONDS.

Mr. McCandless gave notice of a bill to amend Sec. 6 of Act 42 of the session laws of 1933. It was read a first time and under suspension of the rules was referred to the Finance committee.

The text of the bill here follows:

Section 1. Section 6 of Act 42 of the Session Laws of 1933 is hereby amended so as to read as follows:

The Treasurer of the Territory may, with the approval of the Governor, determine the denomination of such bonds to be issued under the authority of this Act, and the place in which the principal and interest of such bonds, or any of them, shall be payable, and the method of their redemption. He may make such arrangements as may be necessary or proper for the sale of the whole or any part of the authorized issue. Such arrangements shall provide for the sale of such bonds by the Government itself, by public advertisement for tenders, but no bonds shall be issued at less than two per cent below their nominal par value; or the Treasurer may, with the approval of the Governor, accept any bid without public advertisement for tenders, provided such bid shall be above the figure of the last sale.

Section 2. This Act shall take effect from the date of its approval.

OTHER BILLS REFERRED.

The House bill relating to the removal of garbage was read a second time and referred to the Judiciary committee.

The bill amending the license law was read a second time by title and referred to the Finance committee.

The Senate adjourned to 10 o'clock this morning.

SENATE'S ATTITUDE PLEASES CARTER

"I am pleased with the attitude of the Senate in supporting my nominations and consider myself extremely fortunate," said Governor Carter yesterday. "In securing department heads I tried to make my appointments from the best available material and I believe I have now around me mighty good men, men who will be public servants and will handle their departments with keen interest in them."

Cooper Will Not Reconsider.

Dr. Cooper had a long conference with Governor Carter yesterday over his retirement from the Board of Health, and informed the Governor that he did not wish to reconsider his resignation. He said he had been anxious to retire for some time and was informed that the Governor would try to find a substitute for him before the Senate adjourned. Governor Carter is extremely anxious that President Pinkham take the burden of the work of the Health Department.

Members of the Legislature have today moved their salary warrants.

MUST PAY THEIR BILLS

Executive Notice Issued by Carter.

(From Thursday's Advertiser.)

Government employees who fail to pay their bills are likely to be summarily removed, if the first sharp reprimand does not make them mend their ways. Governor Carter yesterday issued an executive notice to the heads of departments, calling attention to complaints made against employees failing to pay their bills to merchants and storekeepers.

The executive order is as follows:

EXECUTIVE NOTICE.

To All Heads of Departments. Office of the Governor, Honolulu, April 13, 1934.

Complaints have been made that some of the employees of the Government of the Territory of Hawaii fail to pay their bills due merchants and storekeepers for the necessary supplies which they procure for themselves and their families.

It is the sense of the Executive that clerks, who are in receipt of regular and stated salaries, should make every effort to meet their proper and legal obligations. Unless satisfactory reasons can be assigned for their failure to do this, all such offenders should be sharply reprimanded by the heads of their departments and informed that any further complaint, made upon the same subject, will be followed by dismissal.

The Executive feels that those who fail to act honorably in their private affairs can hardly be expected to give full and adequate satisfaction to the Government that employs them.

G. R. CARTER, Governor.

"The merchants have been complaining for some time about the failure of government employees to pay their bills," said the Governor in explanation of the order. "While I don't believe in making the government a collecting agency for merchants, who often are lax in allowing credit, on the other hand I don't believe in government employees ignoring all their bills. The practice should be stopped."

MUST NOW FACE MURDER CHARGE

Kalama Hana, the native who was stabbed in a drunken affray on Punch-bowl slopes on Monday night, died at the Queen's Hospital about six o'clock last night as a result of his injuries. Daniel Kamai Kahili the native longshoreman who admitted stabbing Hana during the fight, is held in the police station and will have to face a charge of murder.

OF THE MULTITUDES

who have used it, or are now using it, we have never heard of any one who has been disappointed in it. No claims are made for it except those which are amply justified by experience. In recommending it to the afflicted we simply point to its record. It has done great things, and it is certain to continue the excellent work. There is—we may honestly affirm—no medicine which can be used with greater and more reasonable faith and confidence. It nourishes and keeps up the strength during those periods when the appetite fails and food cannot be digested. To guard against imitations this "trade mark" is put on every bottle of



"Wampole's Preparation," and without it none is genuine. It is palatable as honey and contains the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. Taken before meals it creates an appetite, aids digestion, renews vital power, drives out disease germs, makes the blood rich, red and full of constructive elements, and gives back to the pleasures and labors of the world many who had abandoned hope. Doctor S. H. McCoy, of Canada, says: "I testify with pleasure to its unlimited usefulness as a tissue builder." Its curative powers can always be relied upon. It makes a new era in medicine, and is beneficial from the first dose. "You can trust it as the Ivy does the Oak." One bottle convinces. Avoid all unreliable imitations. Sold by chemists throughout the world.

JUDGE AIU WILL STAY Charges Against Him Fall Flat.

(From Thursday's Advertiser.)

Governor Carter yesterday received from Deputy Attorney General Peters an opinion upon the charges against District Magistrate Thomas Aiu of North Kona, recommending that the matter be dropped. M. F. Scott charged in the matter of the Kona Sugar Co. suits that the magistrate wrongfully issued a writ of possession and also that he was unduly influenced in that case.

The Attorney General's Department, after an investigation, finds that there is no ground upon which charges against Mr. Aiu could be preferred in the Supreme Court.

The opinion written by Mr. Peters is as follows:

Honolulu, T. H., April 13, 1904.

In the Matter of the charges of M. F. Scott, Esq., vs. Thomas Aiu, Esq., 2nd District Magistrate of North Kona, Hawaii.

To His Excellency, The Governor of the Territory of Hawaii, Executive Building, Honolulu.

Sir:—Your valued communication of the 6th inst., relative to the above entitled matter, to hand and contents noted. I have carefully considered and investigated the matters and things in the letter of Mr. M. F. Scott contained, complaining of the action of Thomas Aiu, Second District Magistrate of North Kona, Hawaii, in his issuance of a writ of possession pending appeal in a civil cause for summary possession, in which the Kapiolani Estate, Limited, was plaintiff and C. J. Hutchins, Trustee, and the Henry Waterhouse Trust Company, Limited, were defendants.

It appears that the action was instituted before the Second District Magistrate, Thomas Aiu, but there is nothing in the statutes prohibiting such action, his jurisdiction being coordinate with the jurisdiction of the First District Magistrate. The parties litigant can choose whom they see fit, unless some regulation is made, as in the District of Honolulu.

It further appears that on the 12th day of March, 1903, upon hearing and submission of said cause, judgment was rendered for plaintiff, and defendants immediately gave notice of appeal, and thereafter perfected such appeal to the Circuit Court of the Third Circuit, jury waived, within the time and manner as provided by law. That thereafter, to wit: on the 12th day of March, subsequent to the notice of appeal by defendants-appellants, but prior to perfection of said appeal, the said Aiu as District Magistrate, issued a writ of possession against the defendant C. J. Hutchins, Trustee. That thereafter, to wit: on the 14th day of March, and before the same was served by the Sheriff, the defendants-appellants gave notice in writing to Sheriff J. K. Nahale, notifying him that the appeal had been perfected in the manner provided by law and that he took further action relative to said writ at his peril. This writ was returned unexecuted by Mr. Nahale.

On the 17th day of March thereafter, another writ of possession was issued by Aiu in the same cause, upon the ex parte application of plaintiff, and delivered on the same day to Nahale, as Sheriff, for service. This writ Mr. Nahale refused to serve, and the same was sent by him to the High Sheriff at Honolulu, explaining the situation and requesting advice thereon.

No action on the second writ, however, was taken, and the same appears to have lapsed for want of action thereon, and it to date stands unexecuted.

On the 27th day of March thereafter John F. Colburn, Esq., Treasurer of the Kapiolani Estate, Ltd., accompanied by C. F. Chillingworth, Deputy High Sheriff of this Territory, and C. A. Long, Esq., Attorney at Law, proceeded by specially chartered boat to Kona, Hawaii. Upon the arrival of those gentlemen at the last named place, Aiu was immediately consulted to the purpose of securing a writ of possession in the cause, and the request of plaintiff was granted to that end, and the writ served immediately thereafter by Chillingworth, in his official capacity. At the time of the securing of the writ there was no one present representing either of the defendants, although Mr. Guy F. Maydwell of Honolulu was attorney of record in said cause, M. F. Scott, residing at the same place had previously given notice to Nahale in reference to the first writ and J. K. Nahale, the Sheriff of North Kona, lived in the immediate vicinity, nor had any notice of the contemplated action of the plaintiff been previously given to the attorney of record, or any one else representing the defendants.

The Session Laws of 1903, by Act 32 thereof, provide that an appeal duly taken and perfected in any case from a judgment of a District Magistrate, shall operate as an arrest of judgment and stay of execution; provided, however, that a District Magistrate may, upon good cause shown, allow execution to issue pending such appeal, unless the appellant shall, within such time as shall be allowed by the Magistrate, deposit a bond in such amount and with such surety as shall be approved by the Magistrate, conditioned for the prosecution of the appeal without delay and for the payment of the costs of the proceedings, as the case may be, of the judgment in the appeal.

From the wording of the statute, it appears that the appellant is entitled to at least an opportunity of staying the issuance of the writ by the filing of the bond required by the statute. That right is granted him irrespective of the fact of whether or not good cause is shown to the Magistrate by appellee for the issuance of the writ. Should the District Magistrate, upon proper notice of motion and regular hearing thereon decide that good cause has been shown by the appellee for the issuance of the writ, still the appellant has an opportunity to stay the issuance of the writ by the filing of the bond.

It may be said that Section 71 of the Act which we are herein seeking to interpret is uncertain and unintelligible, and therefore void, by reason of the appearance in the promulgated laws in line eight of said section of the word "applicant" instead of the word "appellant." But even then, should the Act be treated as void, the Magistrate could have acted under Section 1435 of the Civil Laws of 1897, which provides that execution may issue pending appeal upon good and sufficient cause being shown.

The issuance of execution pending appeal is, however, the exception and not the rule. Common law and common sense dictate that an appeal from a judgment of an inferior court stays execution, and where an exception to the rule gives an extraordinary right of this character, the party against whom the extraordinary right is exercised by the District Magistrate should receive, and is entitled to notice of the application by the appellee for the issuance of the writ. If that were not so, then the statute providing that an appeal operates as a stay of execution amounts to nothing. And defeated litigants would be prevented and harassed from taking and perfecting appeals by the arbitrary action of a District Magistrate in the issuance of a writ of possession or execution upon a mere ex parte application and without notice of hearing as far as they were concerned and pending their appeal. The statute calls upon the District Magistrate to exercise a sound discretion as to whether or not good cause is shown for the issuance of the writ pending appeal. But absolutely no discretion whatever is reposed in him in the issuance of a writ should the appellant file an approved bond. The filing of the bond itself absolutely, under those circumstances, stays execution. And as far as the exercise of discretion is concerned, in the District Magistrate, as to whether or not good cause is shown, how can it be possible that that discretion be exercised upon the mere ex parte showing of the appellee. Should such an arbitrary action of a District Magistrate receive recognition, rights of appellants would be jeopardized to an extent that would be appalling, and put a premium on ex parte proceedings contrary to the genesis of a free government.

The action of Mr. Aiu, however, must be considered in the light of all the surrounding facts and circumstances of the case. Upon Mr. Nahale's refusal to serve the writ of March 17th, it was evidently the intention of that gentleman, as well as the District Magistrate, to refer the whole matter to High Sheriff Brown, at Honolulu. And the next thing that occurs follows ostensibly in logical sequence as an answer to that reference—the Deputy High Sheriff, the Treasurer of the Kapiolani Estate, plaintiff in the action, and the attorney for the Company appear upon the scene. And the Treasurer, as well as the attorney demand what previously had been granted by the District Magistrate, but action thereon refused by the Sheriff of the District, while at the same time the superior of that Sheriff and the representative of the High Sheriff is present and there ready and willing to execute the writ presented to the Magistrate by the Treasurer and the attorney for the Company. Previously the propriety of the issuance of the writ depended upon its service. It was merely a question of the service of the writs previously secured. Therefore two writs had been issued, and service upon one had been refused. But now the District Magistrate is not only following the suggestions of the attorney for the Company, but all question as to the propriety of his issuance of the writ is removed by the presence of the Deputy High Sheriff of Hawaii, higher in sphere of knowledge and activity than the Magistrate himself, and perfectly willing to serve the writ which the Treasurer of the Company, by its attorney, presents to the Magistrate for signature. And the Magistrate evidently came to the conclusion that wherefore a writ issued under exactly similar circumstances was refused service by the Sheriff of the District, and there now being present a representative of the High Sheriff, who must know all the facts of the case, and with that knowledge was willing to serve the writ, everything in consequence must be all right, and he was doing something which was acquiesced in by those of authority. Mr. Chillingworth, according to his own statement, made to me, was simply acting in the capacity of a ministerial officer. Whether Mr. Brown knew, or not, that the writ was to be secured upon an ex parte showing is immaterial, as far as these charges against Aiu were concerned. Mr. Brown, no doubt, thought that the attorney for the Company would take the proper steps for the securing of the writ. But the question is, in view of what had previously occurred, what was the effect of the presence of the Treasurer of the plaintiff Company, its attorney and the Deputy High Sheriff on the morning of March 28th upon Aiu? To him, ostensibly, the method was approved by Brown, and, naturally, if Aiu thought about it at all, his line of logic would be—Brown knows about the other writs he sends Chillingworth to serve this one; must be all right. The statute does not state in direct terms that notice must be given the appellants of the application for issuance of a writ of possession or execution.

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SALARY BILL FIXED FINALLY BY SENATE

Everything That Might Provoke Contest With House Eliminated—Garbage Bill Withstands Strong Siege—Bills Dropped.

(From Thursday's Advertiser.)

There is still expectation that the Legislature will be able to conclude its work tomorrow and adjourn. Governor Carter yesterday extended an invitation to members of the House of Representatives, requesting their presence at a dinner to be given at the Young Hotel tomorrow evening.

The House finally passed the current expense bill yesterday, making quite a number of changes, all of which, however, it is said, the Senate is willing to accede to, although the Governor may object. Members of the House have not caucused as yet on the salary bill since it was amended by the Senate, and there may be a slight hitch in agreeing on the changed items, although the members of the House do not expect this to interfere with the adjournment tomorrow. The House also fixed the salaries of its officers yesterday, and happily the measure reducing their pay went through without trouble.

Besides a scrap over the sewerage bill, a notable feature of the Senate's proceedings yesterday was the running away of the "more dignified body" from its own previous doings. Several measures were shelved, either to keep peace with the House or to avoid the creation of embarrassing legal questions. Other ticklish things were deferred until a more convenient season, with but poor concealment of a desire to make that never. Of such was the House county commission joint resolution. Governor Carter's appointments, as well as those of his predecessor since the previous session, were all confirmed excepting one precinct election inspector. The only factional opposition shown was to Auditor Fisher, three Home Rulers going on record against him.

THE HOUSE.

Senate Bill No. 9 passed first reading immediately upon the opening of the House session yesterday.

WANTS TO SEE EXAMINATION.

Representative Pail moved that the health committee be instructed to witness the inspection to be made by the Board of Health of suspects at Kalihi camp today. He said that there were people at the settlement who should not be there, but the House had no power to change the law now. As the representative of the people though, he believed that they should see for themselves how the examination was conducted, though he did not intend to take away any prerogative from the Board of Health. There was no opposition to the motion and the committee was instructed to make the examination.

The amendment to the Land Registration bill from the Senate, and the amendment repealing the appropriation bill after June 30th, 1904, were both referred to the Judiciary Committee.

CARTER CHANGED HIS MIND.

Fernandez moved also to refer the amendment to the old salary bill to the same committee but Pail wanted the rules suspended to pass the bill on second reading.

Fernandez said the members had not been supplied with copies of the bill and he objected until the committee had looked into the matter. He said the amendment would shut out appropriations made for improvements in the various districts. Besides he added the House members had conferred with Governor Carter, and the Governor had asked them not to pass any but appropriation bills. "And today he comes with other bills," said Fernandez, "acting contrary to his own suggestions."

Kumalae said the member misunderstood the bill, it simply cut off the old salaries, when the new bill went into effect. The bill passed second reading with but one or two dissenting votes.

AFTERNOON SESSION.

The current expense bill was taken up on third reading at the opening of the afternoon session. Rep. Harris presented the amendments agreed upon at the caucus which were unanimously adopted. These were as follows: Emergency appropriation increased from \$25,000 to \$35,000 and to include road damages all islands; roads and bridges, Hamakua, Hawaii, reduced from \$840 to \$950; Makawao, \$6900 to \$7500; Koolaupeke, Oahu, \$9600 to \$9300; Waianae, Oahu, \$4800 to \$4500; Ewa and Waimanalo, Oahu, \$12,000 to \$11,620; strike out Hilo fire department, \$2500; increase court expenses to include pay of jurors, First Circuit, \$600 to \$16,000; Second Circuit, \$1800 to \$2500; Third Circuit, \$1200 to \$2250; Fourth Circuit, \$2000 to \$4500; Fifth Circuit, \$1200 to \$2000; incidentals Attorney General's office, reduced from \$1500 to \$1000; police incidentals, Hawaii, \$4500, and police incidentals, Oahu, Maui and Kauai, \$12,000, all combined under police incidentals, general, \$12,000, repairing school buildings, reduced from \$15,000 to \$12,500. There were added appropriations for the various hospitals on condition that reports are made to the Board of Health, the following: Queen's Hospital, \$12,000; Malulu Hospital, \$10,000; Kila Hospital, \$10,000; Black Hospital, \$10,000.

that the change was made with the approval of the Superintendent of Public Works. The bill passed third reading with 28 ayes and no nays.

Representative Andrade, for the Judiciary Committee, reported favorably the bills referred to the committee in the morning.

The bill as passed appropriates \$985,551 against \$982,451 as it came from the Senate and \$979,905 as it was sent in by the Governor.

PAY OF HOUSE OFFICERS.

Representative Kellin presented a resolution providing for pay of House officers as follows: Clerk, \$8 per day; Interpreter, \$7 per day; Sergeant-at-Arms, \$4; Janitor, \$3; Messenger, \$3; and chaplain, \$25 for the session.

Speaker Beckley said that there was already a similar resolution before the House, but Kellin replied that it didn't prevent a new one from being introduced. The resolution was adopted with but few dissenting votes.

The unpaid bills were referred to the Finance Committee for investigation and the House adjourned until this morning.

THE SENATE.

Committee reports were not quite ready when the Senate opened at 10 o'clock yesterday morning, and President Crabbe went on to order of the day.

P. G. LAW REPEALED.

Senate bill No. 12, to repeal Chas. 79, Laws of the Provisional Government, which provided for the issuance of Treasury notes to pay expenses of the Government from the first of June to the thirty-first of December each year, passed third reading by the ayes of all present, viz.: Achi, J. T. Brown, Dickey, Isenberg, Kalua, Kalaokalani, Kaohi, McCandless, Paris, Wilcox and Woods.

GOVERNMENT BANKING.

The bill to amend Section 1 of Chapter 49, Laws of 1898, to provide for the payment of current accounts, came up for third reading. It authorizes the Treasurer to open accounts with Honolulu banks to the amount of \$500,000.

Mr. Isenberg asked if there was no provision that the banks should give security. Mr. Achi answered that there was no necessity, as this was a case of the Government's borrowing from the banks. Mr. Isenberg moved to amend the limit from \$500,000 to \$300,000, but had no second.

The bill passed on the following vote: Ayes—Achi, J. T. Brown, Dickey, Kalua, Kalaokalani, Kaohi, McCandless, Paris, Wilcox, Woods—10.

TAX COLLECTION.

Senate bill No. 4, to amend Sec. 45, Laws of 1896, relating to internal taxes, came up for third reading. It provides that each assessor shall receive such salary as the Legislature may appropriate, and each deputy assessor a commission not to exceed five per cent of such salary as the Treasurer may fix.

Mr. Dickey moved an amendment to add the words, "such salary not to exceed the five per cent of his collections."

The amendment carried and the bill passed third reading on the following vote: Ayes—Achi, Crabbe, Dickey, Kalaokalani, McCandless, Nakapahu, Paris, Wilcox, Woods—9.

Now—J. T. Brown, Isenberg, Kalua, Kaohi—4.

FINANCE COMMITTEE.

Mr. McCandless presented a report of the Finance Committee on the Finance bill, recommending that it be laid on the table. The House was divided 10 ayes and 4 nays.

Continued on Page 41

GOVERNOR MAY VETO

Opposes the Hospital Subsidies as Passed.

(From Thursday's Advertiser.)

Governor Carter may be compelled to veto some of the items in the appropriation bills passed by the Legislature unless the present bills are amended. The changes made in the current expense bill, inserting appropriations for hospital subsidies, the Governor does not believe will fill the bill.

"I sent a letter to the Finance committee in the House today," said the Governor yesterday, "advising that some provision might be made for the hospitals. I suggested an appropriation of about \$15,000 to be inserted under the Board of Health, and to be expended for the care of indigent sick by that department. To do this, made necessary reductions in other departments, and High Sheriff Brown and Supt. Holloway went over the estimates with me and suggested items sufficient to make up the amount, which they agreed might, by rigid economy be dispensed with. I told the committee that if a greater amount was required I would go over the bills and see if additional reductions could be made."

"To have made a lump sum appropriation for care of indigent sick would have filled the bill to much better advantage. The Queen's Hospital which has outside support is given \$12,000, while the Malulu Hospital, which is supported entirely by the government is given but \$1,500. It requires \$4,000 per year to operate the hospital, and I don't see how the hospital will get along with the lesser amount."

"The Senate has put in the band and left out the hospitals. I am considering now whether it will be necessary to veto some of the items in the appropriation bills in order to keep within the income."

Its passage was recommended. Mr. Achi moved the report be adopted.

Mr. Paris, having left the chair, said: "I do not like this bill. It gives the Superintendent of Public Works too much power. He may go places and charge the people what he pleases, then if they do not pay make the charge a lien on their property. The Governor may be busy when his approval is wanted to the schedule and leave the fixing of rates entirely to the Superintendent."

Mr. Dickey said it was only a little time to the regular session. The Superintendent could fix water rates now to suit himself. He thought the danger was very slight and the bill a good one which ought to pass.

Mr. McCandless thought Mr. Dickey's argument worked the wrong way. It was only a short time, therefore let them wait and allow the Legislature to fix the rates. That was what the Legislature was for. They were there to represent the interests of the people. To pass a bill of that kind was to give opportunity to oppress the people.

Mr. Paris remarked that it was a poor argument to say they had not time to pass a good law.

Mr. Kalaokalani agreed with the arguments of Messrs. Paris and McCandless. The bill was introduced in railroad fashion without giving the people a chance to consider its provisions. It would work a hardship on the poor citizen. He was in favor of leaving the bill to the regular session. It gave the Superintendent too much leeway in charging fees, compelling everyone to make sewer connection and placing a lien on property.

Mr. Achi argued that the sewer system had cost half a million, which was a charge on the people of all the islands, and the bill plainly stated that the charges to users of the system must be only to cover expenses and interest on the bonds. The Governor claimed that the people of Honolulu ought to pay for maintaining the sewers. As a property owner he was against such a law, but representing the people he considered it his duty to support it. The Superintendent had power now to make regulations for hacks, etc. It would be impracticable for the Legislature to fix all fees to be charged by heads of departments. There was a limit to the bill, it only meant a nominal charge.

Mr. Isenberg said things were happening now which he wanted done in the 1903 session—the fixing of rates for sewerage and garbage. He said then it was not right to tax people without authority of law. At that time, and since he had, with legal advice, resisted payment of sewerage rates for that reason. But poor people suffered for not knowing their legal rights. It was an outrage to send out bills for sewerage rates without law for it. He was willing to pay all lawful taxes and when a bill came in which the ad-

(Continued on page 6.)

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FRIDAY : : : : : APRIL 15

WHITES AND ABORIGINES.

The Herrero uprising in German Southwest Africa is described by the Berlin papers as the natural result of the treatment which the natives have received from traders. According to official reports there have been the most ruthless cruelty and injustice to the people of the soil. Lands and cattle have been seized by them for debts that have already been paid. The shooting, flogging and imprisonment of innocent natives whose women and children have been subjected to every form of horror and cruelty are the causes of the revolt. The German newspapers do not hesitate to couple the German soldiers and officials with the traders.

But this is an old story, as wide as the march of civilization through the world. The Indian wars in North America, beginning with the acts of the Pilgrim Fathers who "fell upon their knees and then upon the aborigines," were continued down the centuries in the most relentless persecution by white pioneers. Originally the Indians welcomed the whites as they did Columbus and his men at Cat Island. In Massachusetts and Virginia the first attitude of the red men was conciliatory but the conduct of the strangers soon made them enemies. The murderous Apache of the Southwest was a product of murderous Spaniards, invading the land. When Coronado, over 250 years ago, made his famous march from Mexico to the buffalo plains of Kansas, in vain search of the seven cities of Cibola, he had no serious trouble with native tribes which, in another half century, goaded by the conquistadores, became the terrors of the desert. The reader of Parkman's "Oregon Trail," a classic in the early literature of the West, will find, to his surprise, that white men were welcome guests among the Sioux. Parkman, himself, lived with this great tribe, migrating with it, and standing in no peril of his life. It was only when the pioneer advance across the plains came on and Indians were treated as wild beasts, that the Indian question became acute. Swindled by traders, driven from their homes, shot at whenever they came in sight, treaties with them violated, it was not strange that the American aborigines turned into wild beasts and harried their white foes in turn. They are conquered now; but they might have been conciliated long ago.

Of course the Germans will subdue the Herrero blacks; they cannot afford to do otherwise; but that the blame for the rebellion is theirs to bear is a fact established by their own testimony.

Gen. George M. Sternberg suggests, in one of the Reviews, that organized effort on the part of the Government to protect the health of the laborers and others on the Panama canal would be effective at no great cost. He proposes first, to bring drinking water in pipes from the mountains and distribute it along the ditch, prohibiting the use of any other save sterilized bottled water; second, to compel every man to sleep under a mosquito bar; third, to use petroleum upon all places where the mosquito breeds; fourth, the service of a hospital corps modeled upon that of the army for taking care of the sick. With these precautionary adjuncts, General Sternberg believes the canal can be built without any extraordinary mortality.

Every now and then, when a sale of reality is made, an unknown mortgage turns up which, if paid, had never been cancelled. In land recording here an amazing laxity has prevailed, with the result that many titles are unnecessarily clouded. The Torrens law enables the land-owner, at slight expense, to get a new title, back of which a search need not go, and enables the land-buyer to be perfectly assured that what he buys is his. It would be a pity to lose the reality guarantees which the Torrens law confers, a proposition upon which lawyers and real estate experts are united.

The Russian fleet can get no great consideration when, on every appearance of the Japanese naval forces, it hugs the forts and plays "long ball" with the enemy. A Farragut or a Paul Jones would go to sea in that fleet and do something with it, not challenge the Japanese to meet it inshore, where the forts may take a hand. Each appearance of Admiral Togo is an invitation to Admiral Makarov to come out and fight, but the Russian commander usually has business right at home.

While the Pacific Mail service across the ocean has been reasonably free from disaster, the Panama route has, first and last, met with company many disasters. In forty years from 1868, over thirty vessels were lost and since then there have been several, including the Hawaiian Colon. Of the trans-Pacific vessels only recall the loss of the City of New York. Yesterday's disaster added the third to the list of Pacific Mail Panama disasters piled up on the rocks.

Things seem to be brewing in the war district. A vessel has been ordered to be stationed in the Pacific Ocean, and it is believed that the United States Navy is preparing to send a fleet to the Pacific Ocean.

LANDSMEN VS. SEAMEN.

The Russians are landmen who have no taste for the sea. Since the time of Peter the Great, father of the Russian navy, they have played an inglorious part on the deep waters. Paul Jones, when he became Grand Admiral of the Czarina's navy, despaired of getting order and efficiency out of the chaos and demoralization in which the Black Sea fleet was involved and he came to his death from a cold caught while examining the hold of his flagship for proof of official neglect. He found that the navy was a mere makeshift, used by its officers to rob the government. It was of but slight fighting value, although, under his command, it had won some advantages from the Turks. During the Napoleonic wars the navy hid from the French and in the Crimean conflict its vessels were self-sunk to prevent their capture by the allies and for the protection of a harbor from the entrance of the enemy fleet. The story of naval incapacity in the present war is a familiar and augmenting one.

Russians are essentially a land-filling, a sheep-herding and horse-raising people. Their ports being frozen so many months of the year they have but little time and but a limited incentive to navigate salt water. Having ample fisheries in rivers and bays, their pursuit of deep sea-fish is not keen; and not being a manufacturing race, engaged in export trade, their maritime commerce has never been great enough to create such a seafaring class as a navy needs behind it. Finally the bulk of the population lives in the interior away from the fierce ocean storms which make the coast bleak and inhospitable. A navy for such a people is an anachronism, almost as much a one as it would have been for the South African Dutch.

Circumstances have made the Japanese good sailors from immemorial times. Their small, crowded islands, set in a propitious sea, have inspired the ocean-going spirit; and the need of food has kept the people fishing. Probably a million men are required for the off-shore fisheries, there being no rivers of any consequence to supply fishy provender. Off Japan, as off New England and Canada, a hardy race of seafarers has been reared; and when war comes such men are ready and qualified to join the navy. Many of them were born and brought up in junkies, only going ashore occasionally as other men go to sea; and many are descended from the fierce buccaners who, for centuries, harried the Chinese and Korean coasts.

When the Russian sheep-herder goes out in ships-of-war to meet the Vikings of the Far East, but one thing can happen; and that thing has been happening right along ever since the present war began.

It is not at all certain that the Russian battleship which turned turtle off Port Arthur yesterday struck a Russian mine. A fortnight ago the news came by cable that the Japanese, failing to blockade Port Arthur with stone-laden merchantmen, had laid a cordon of mines between the mouth of the harbor and the open sea. Ordinarily a warship can thread its own mine system with ease, the whereabouts of the explosives being accurately marked on the charts and otherwise indicated. But it cannot locate an enemy's system and must take chances when approaching it. It is quite possible that the Japanese drew Makarov far enough out to expose him to the destructive contact torpedoes with which they had formed their inner line of blockade. If not, and the Petropavlovsk went amuck among its own submarine defenses, the humiliation of the Russians can be scarcely less. To be hoist by one's own petard is not a more distinguished end than to be hoist by the enemy's.

There will be no objection, so far as we can see, to a self-supporting militia. If the local regiment can take care of itself by giving loans and minstrel shows, we will all buy tickets and help the thing along. Uncle Sam's help will also be admired. Such an experiment will be watched with interest and if it succeeds, the taxpayers will cheerfully credit themselves at each biennial period hereafter with the money which public support of the citizen soldiery might have cost.

The third disaster to the Russian fleet makes it improbable that the Czar's navy will attempt to cut much of a figure in the further struggles of the war. Every effort will be made by the army to retrieve the prestige lost at sea, and some desperate fighting may be looked for. Those who know the combatants feel sure that Japan will render as good an account of herself ashore as afloat though they do not underrate the soldierly character of the Czar's army.

The credit for the conviction of Matsumoto Moritomo, the murderer of A. H. Glennan, undoubtedly belongs to Chester Doyle. Mr. Doyle overheard Japanese suspects conversing and learned through them the whereabouts of Matsumoto, who had come to this island. An arrest followed and the defendant confessed to Mr. Doyle, the latter testifying to the fact in court and clinching the crime upon the man who committed it.

The Legislature is redeeming itself and doing service to the Republic. It has risen to the emergency and seems to be honestly striving to put the Territory on a business-like basis. If the policy continues and the session is made short, the prospects of Republican success next November will be increased.

It is rather a pity, when so many thousands of Americans from the Philippines are getting five rides in the St. Louis Exposition and back that they have not seen the land, which seemed to say the St. Louis Exposition is before the Philippines.

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PORT ARTHUR.

An expert military writer in the Illustrated London News says that Port Arthur is a most difficult place to defend unless protected by a friendly fleet outside. Although the place has many forts the guns are not heavy enough to keep an enemy at a distance; and they are mounted on so high a place that they cannot be depressed sufficiently to fire on torpedo boats operating close inshore as the Japanese flotilla did on the night of the first attack.

Another defect which the London writer observes is that the forts are too close to one another. "Those in-shore doubtless receive any shells that are meant for them on the immediate sea border, if the range be too great. They are, moreover, placed so close to the town, shipping, and harbor that a ricochet from the fort would probably land in the town; or if the direction of the shell were correct it might hit either the fort on one side, the town in the middle, as did actually occur, or the fort or railway on the other side. It was doubtless for this reason that the Viceroy did his best to remove all business houses and shops of every description to Taiten-Wan, and is another reason, together with the food question, for the present exodus of both civilians and troops."

Again, Port Arthur can be commanded on all sides by a hostile fleet once the defensive fleet has been bottled up. There are positions on two flanks where ships of war may sweep the neck of the isthmus connecting Port Arthur with its back country, thus preventing the receipt of reinforcements and supplies. This is why Admiral Alexeff was so quick, after the outbreak of war, to remove his headquarters to Harbin.

Small, compact, easily bombarded, readily cut off from supplies, unhealthy in the close air of its amphitheater of hills, Port Arthur is believed to be an untenable place which the Japanese will eventually reduce with the aid of their fleet alone.

The taxpayers had enough of the old county system in the short time it ran and they are not disposed to add to their present burdens for the sake of restoring it. Counties are luxuries and this is the day for the bare necessities of government—for simplifying our administrative forms and saving money wherever we can. The Legislature is meeting to cut down expenses, not to increase them; and the voters are not disposed to elect a Legislature which will go back to the old or go sideways to the new extravagances. The only way the county system could be afforded is by skeletonizing the Territorial government by Act of Congress and establishing a single county by act of Legislature with each island a township to be governed by an unsalaried Board of Trustees and represented by a paid supervisor. Only in this way could the county system be recognized without harm to the taxpayers. But why recognize it at all? There are no counties in Alaska, nor in the District of Columbia nor in the area embraced in greater New York. Can't we get along without superfluities as well as they?

The blessing bestowed upon Admiral Makarov by Father John of Cronstadt may have led the Admiral to think he had a charmed life. That is one of the disadvantages which soldiers of a superstitious turn of mind experience in war. The laying on of hands prompts them to depend on the flimsy promise of infinite aid and they cease to depend on their common sense, which is the best safeguard they have in battle or anywhere else.

The Senate can do itself and the Territory no good by blockading the plans of the Governor. The people evidently want the Legislature to give the Executive a chance and are not in favor of an insurgent movement in either House. Senatorial power can be put to no better use than to stand with the Governor for economy, retrenchment and reform and thus perfect the good work which the House has done so much to shape.

OIL FOR THE BODY

You can't lose an atom without feeling it. The body is like an engine, a watch, a machine; must be kept in good order to run right.

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We use the whole oil in Scott's Emulsion because the great reputation of cod liver oil as a food and medicine was made by using it in this way. Substitutes in the shape of wines, cordials, extracts, etc., should be carefully avoided.

Well, you can't lose an atom without feeling it. The body is like an engine, a watch, a machine; must be kept in good order to run right.

COMMERCE AND WAR.

Some interesting figures regarding the commerce of the United States with the various countries of the world are presented in the usual monthly statement issued by the Department of Commerce and Labor through its Bureau of Statistics. The statement covers the eight months ending with February, 1904, and compares conditions in those eight months with corresponding periods of earlier years. The total exports from the United States to all parts of the world during the eight months ending with February, 1904, were valued at 1,048 millions against 982 millions in the corresponding months of last year, and the imports were 654 millions in value against 681 million dollars in the corresponding months of last year.

To Europe the exports from the United States were 755 millions against 728 million dollars in the corresponding months of last year, and the imports were 341 millions in value against 371 millions in the corresponding months of last year. Thus the exports to Europe show an increase of 57 million dollars and the imports from Europe a decrease of 40 million dollars in the eight months' period under consideration. To North America, other than the United States, our exports were 150 millions against 135 millions in the corresponding months of last year, an increase of 15 million dollars, and from North America, other than the United States, our imports were 113 millions against 116 millions, a decrease of 3 millions. To South America our exports were 35 millions against 27 millions last year, and from South America our imports were 83 millions against 68 millions in the corresponding months of last year. To Asia our exports were 39 millions against 41 millions in the eight months of last year, and our imports from Asia were 97 millions against 104 millions in the corresponding months of last year. To Oceania our exports were 23 millions against 26 millions in the corresponding months of last year, and our imports from Oceania were 14 millions against 14 millions in the same months of the preceding year. To Africa our exports were 1 million against 25 millions in the corresponding months of last year, and from Africa our imports were 6 millions against 9 millions in the same months of the preceding fiscal year. Thus, the increase in exports is exclusively to Europe, North and South America, while Asia, Oceania, and Africa show, in each case, a decrease.

To Asia the reduction is presumably due in part to existing hostilities which unsettled trade and in part to the very high prices of cotton, which reduced the exports of cotton to Japan from 70 million pounds in the eight months ending with February, 1903, to 20 million pounds in the eight months ending with February, 1904, making the reduction in value of raw cotton exported to Japan alone about 4½ million dollars.

To China exports from the United States continue to show a marked reduction as compared with the preceding two years. Our total exports to the Chinese Empire for the eight months ending with February, 1904, were \$8,174,556, against \$12,440,331 in the corresponding months of last year, and \$15,468,220 in the same months of the fiscal year 1902. For the month of February, 1904, our exports to China were \$1,894,423, against \$2,022,676 in February, 1903. This reduction is apparently due in part to the hostilities in northern China, which have had a very general effect upon trade conditions in that Empire, in part to the invasion of the markets of China by cotton cloths from Japan, and in part to the growing manufacture of cotton cloth produced largely from yarns imported from Japan and India, consumed in part in the cotton factories recently established in China and largely distributed for use in household weaving of cotton cloths for domestic requirements. Still another important cause is, as already noted, the great increase in prices of cotton cloths due to the high price of cotton during the last year. The reduction in exports of cotton cloths from the United States to China was from \$10,094,836 in the eight months ending with February, 1902, to \$2,762,975 in the eight months ending with February of this year.

To other sections of the Orient our exports show an increase, the total to Asia in the eight months ending with February being \$38,906,741, against \$41,314,482 in the same months of last year, a reduction of \$2,447,741, while in the exports to China alone the reduction is \$4,265,775, thus indicating an increase to Asia other than China.

To Russia, both in Europe and Asia, the exports from the United States continue to show an increase. To Asiatic Russia, including Port Arthur and the immediate adjacent territory, which is under lease from China, our total exports in the eight months ending with February were \$771,180, against \$163,719 in the same months of last year. To Russia in the Black Sea, \$2,353,394, against \$1,833,435 in the same months of last year; and to Russia on the Baltic and White seas, \$11,041,014, against \$10,417,117 in the corresponding months of last year. Thus the total exports to all Russia in the eight months ending with February, 1904, were \$14,145,588, against \$12,114,671 in the corresponding months of last year. The corresponding figures of last year are \$10,094,836 for the month of February, 1903, and \$15,468,220 for the month of February, 1904.

LOCAL OCEVITIES.

(From Wednesday's Advertiser.)

B. F. Dillingham is going to the Coast.

Andrew Cox and W. W. Goodale are the delegates elected to the Republican convention from Waialua.

It is reported at the Naval Station that the New York and Bennington will arrive here May 10 and will leave immediately.

Dr. N. Russell, of Olan, who has just returned from the Far East, yesterday called on Governor Carter, of whom he was a Senate colleague in 1901.

Senator Achi's depository bill is intended to put loan money into circulation while it awaits the Government's convenience in expending it upon public improvements.

Amama, an employee of the William C. Gregg Company is missing. He is suspected of having embezzled between \$500 and \$1000 of the company's funds. The police are searching for him.

Barracks to accommodate 500 immigrants, intended for Japanese, have been nearly completed on Quarantine Island. Dr. Cofer, chief quarantine officer, is supervising the construction.

An old Portuguese laborer named Joe B. Estrella was killed in a collision on the Waialua plantation railway last Saturday. The dead man leaves a large family, most of the children being grown up.

Kalama Hana, the native who was stabbed in the Punchbowl cutting affray on Monday night, was reported last evening to be doing well at the Queen's Hospital. He was dangerously wounded but has the advantage of possessing a remarkably strong constitution.

Jas. F. Morgan, F. J. Lowrey and J. A. Kennedy, the legislative committee of the Chamber of Commerce, conferred with the Governor yesterday afternoon over the matter of putting loan funds to some use pending their expenditure on the objects designated by the Legislature. The depository bill introduced in the Senate is intended to meet the case.

District Attorney Breckons has examined the leases of Kahauiki properties wanted for the U. S. Army Post and forwarded a favorable report thereon to Washington. About \$15,000 are required to secure the transfers to the Federal Government. The leaseholders are the Star Dairy Co., Mrs. John Grace, the J. L. Dowsett Estate, Ltd., and some Chinese.

Governor Carter gave a fatherly talk to members of the Senate after that body adjourned, in its chamber, yesterday afternoon. A little later the Governor was "drilling" a squad of Representatives on the front veranda of the Capitol, who seemed to relish the opportunity of such an informal conference with the executive.

About all the lawyers in town, besides some of the judges, have signed a memorial in favor of the appropriation of \$4000 to keep the Land Registration Court going. Comments are given over some of the signatures, to the effect that the abolition of the Torrens system would be a backward step and that the system should be made compulsory as to estates of deceased persons.

(From Thursday's Advertiser.)

Matsumoto Moritomo, the convicted murderer of Glennan, was brought from Kauai yesterday and placed in Oahu prison.

Amama, the missing clerk of the Gregg Company, is said not to have embezzled money but to have forged and cashed a check for \$1000, which he did the more easily because the firm's name was stamped on the paper.

Judge Dole decided the British bark Ivanhoe case, awarding damages against the vessel for cruelty as follows: To W. B. Dyer, A. Anderson and V. A. Bitner, the wages of ordinary seamen—\$3 10s, a month—from June 26, 1903, to March 28, 1904, with costs, subject only to charges for supplies from the ship's store chest. As to J. H. Bayer, the libel is dismissed with costs.

"Charlie" Clark has denied that he announced on the evening of the primary election his intention to leave the Republican party. Clark might not have been in a condition to know what he was saying, but a half dozen men heard him make the emphatic statement that he was done with the Republican party forever. Moreover he asked an Advertiser reporter to publish the statement that he was through with the Republican party, and when he was told in reply that he wasn't telling anything new, Clark threatened to whip the Advertiser man. Senator McCandless and half a dozen others heard the statement which Clark says "was an absolute falsehood."

It is reported that Edmund Hart may receive appointment as clerk for Judge Kepoika's court on Maui.

The America Maru is expected tomorrow from Yokohama. She has 2000 tons of freight for Honolulu.

Members of the House have been invited by Governor Carter to a dinner at the Young Hotel to be given on Saturday evening.

On July 1, five of the recent working force in the Public Works Department will be dropped, and two in the Treasury Department.

The opposition to the sewerage bill in the Senate was under way yesterday afternoon, after the adjournment, to be withdrawn at the price of radical cuts in the rates.

At the paying off of the Federal grand jurors Edward D. Tenney, foreman, endorsed his draft to U. S. H. Baker, clerk of the grand jury, and handed it to him as a token of appreciation of the able and courteous manner in which he had discharged the duties of his office.

A large volume of oil painting by George F. Stranover is being in a window of the Little Joe Green Park. It was drawn from actual observation by the artist of the scene in which he had discharged the duties of his office.

Catarrh

Invites Consumption

It weakens the delicate lung tissues, deranges the digestive organs, and breaks down the general health.

It often causes headache and dizziness, impairs the taste, smell and hearing, and affects the voice.

Being a constitutional disease it requires a constitutional remedy.

Hood's Sarsaparilla

Radically and permanently cures catarrh of the nose, throat, stomach, bowels, and more delicate organs.

Read the testimonials.

No substitute for Hood's acts like Hood's. Be sure to get Hood's.

"I was troubled with catarrh 20 years. Seeing statements of cures by Hood's Sarsaparilla resolved to try it. Four bottles entirely cured me." WILLIAM SHERMAN, 1030 6th St., Milwaukee, Wis.

Hood's Sarsaparilla promises to cure and keeps the promise.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolulu, Hawaiian Islands.

LEWERS & COOKE.—(Robert Lewers, T. J. Lowrey, C. M. Cooke)—Importers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Manufacturers of every description made to order.

HONOLULU STOCK EXCHANGE.

Honolulu, April 14, 1904.

NAME OF STOCK	Capital	Val.	Bid.	Ask
MERCANTILE.				
C. Brewer & Co.	\$1,000,000	100	.....	805
SUGAR.				
Ewa	5,000,000	20	19½	.....
Haw. Agricultural	1,000,000	100	.....	105
Haw. Com. & Sugar Co.	2,312,750	100	.....	100
Hawaiian Sugar Co.	2,000,000	20	.....	21
Honolulu	700,000	100	100	110
Honolulu	2,000,000	20	.....	14
Kahuku	500,000	100	.....	18½
Kihikihi	2,500,000	50	.....	6½
Kiuhulu	150,000	100	.....	120
Koloa	500,000	100	.....	100
McBryde Sug. Co., Ltd.	3,500,000	35	.....	2
Oahu Sugar Co.	3,000,000	100	80	.....
Onomaha	1,000,000	20	24	.....
Ookala	500,000	20	.....	20
Oahu Sugar Co., Ltd.	5,000,000	20	.....	6½
Olowalu	150,000	100	.....	100
Pacifi Sugar Plant. Co.	5,000,000	100	.....	100
Pala	750,000	100	.....	100
Papeete	500,000	100	.....	100
Pioneer	2,500,000	100	.....	77½
Waialua Agrl. Co.	4,500,000	100	87½	40
Waikuku	750,000	100	.....	100
Waianae	250,000	100	.....	160
STEAMSHIP COS.				
Wilder & S. Co.	500,000	100	.....	100
Inter-Island S. S. Co.	600,000	100	.....	100
MISCELLANEOUS.				
Haw. Electric Co.	500,000	100	45	.....
H. R. 7. & L. Co., Ltd.	1,000,000	100	.....	170
H. R. 7. & L. Co., Ltd.	1,000,000	100	.....	82½
Mutual Tel. Co.	150,000	10	.....	8½
O. R. & L. Co.	4,000,000	100	.....	75
Hilo & R. Co.	1,500,000	20	.....	100
BONDS.				
Haw. Gov't, 5 p. c. ....	.....	.....	18	.....
Haw. Ter. 4 p. c. (Fire Claims) .....	.....	.....	.....	.....
Hilo R. R. Co. 6 p. c. ....	.....	.....	.....	.....
Hon. R. 7. & L. Co. ....	.....	.....	.....	.....
6 p. c. ....	.....	.....	104	.....
Ewa Plant., 6 p. c. ....	.....	.....	.....	.....
O. R. & L. Co. ....	.....	.....	113½	.....
Oahu Sugar Co., 6 p. c. ....	.....	.....	.....	100
Oahu Sugar Co., 6 p. c. ....	.....	.....	.....	100
Waialua Agrl. Co., 6 p. c. ....	.....	.....	.....	100
Kahuku 6 p. c. ....	.....	.....	.....	100
Pioneer Mill Co., 6 p. c. ....	.....	.....	.....	100

METEOROLOGICAL RECORD.

By the Government Survey, Published Every Monday.

Day	A.P.T.	BAROM.		THERM.		Rainfall to 9 a. m.	Humidity	Clouds	Wind	Force
		9 a. m.	2 p. m.	Min	Max					
S	2	30.03	29.98	68	74	02.55-4.10	SW			1-0
M	3	29.99	29.94	68	79	04.88-5.09	SW			0
T	4	29.96	29.91	67	79	73.82-5.10	SW			0
T	5	30.00	29.99	64	80	01.77-8.4	SE			1-0
W	6	30.04	29.95	67	80	00.07-6	SE			1-2
T	7	32.46	29.87	61	79	00.77-3	SE			0-6
F	8	31.69	29.85	69	75	08.74-5	SE			2-2

ESTATE TAX CASE

Dissenting Opinion By Justice Perry.

Justice Perry takes a turn at dissenting in the tax appeal of John II Estate, Ltd. A majority opinion written by Chief Justice Frear, signed by Justice Galbraith with the author overrules the grounds of appeal but modifies the assessment.

The taxpayer's return was for 8000 acres of kula land, ahupuaa of John II, pasture and water right, at \$80,000; 836 acres of kula land, same description, at \$360, and 5000 acres of forest land, claimed to be exempted as a forest reservation under Chapter 61, Civil Laws 1897. The assessor accepted the valuations given, but added the assessment of water privileges Waipio forest land, leased to Oahu Sugar Co. for \$5000 a year, at \$64,000. The assessments of the two pasture tracts were raised the year before, by reason of the rental mentioned, from \$44,150 to \$53,360, the year before that the assessment of the 5000 acre tract having been raised from \$24,000 to \$40,000.

Under the circumstances the majority concludes "that the most that can be done is to place the valuation of the forest land at the amount at which the Tax Appeal Court placed it the year before on the evidence then produced, there being nothing to show that the value has changed meanwhile."

The law of the case, as contained in the syllabus, is as follows:

"A granted to B for a term of years, at an annual rental of \$5000, the right to enter upon three certain parcels of land, to dig tunnels and ditches, to construct dams, reservoirs, flumes, pipe-lines and electrical and other power works and to take all water found and which might thereafter be found on the lands named. The lessee used the land in accordance with the rights so granted. The lessor returned one of the tracts as exempt from taxation under C. L. Sec. 397, claiming that it was fenced and that cattle were excluded therefrom. Held, that such tract was not exempt, as 'other use' was made of it.

"Where the language of a memorandum of assessment is ambiguous, the construction placed upon it by the parties before the Tax Appeal Court and by that court itself will prevail."

Justice Perry regards the assessment of the property in the light of being duplicate taxation, although like the majority he holds the forest land is not exempt. All the conditions for exemption were not observed. He maintains that "the assessment should be such that the aggregate of the assessments on the three lands shall not exceed their total cash value," and concludes thus:

"The appeal should be sustained, the decision of the tax court reversed and the assessment of \$64,000 on the 'water privilege' set aside. The assessor should now assess the 5000 acres of forest land."

THE EWA ROBBERY.

Three witnesses were examined in the Ewa road robbery case before Judge De Bolt when, in the middle of yesterday afternoon, the prosecution rested. A pistol had been placed in evidence. Mr. Matthews moved that the defendant Lee Jim be discharged on various grounds taken down by the stenographer. At 3:54 the jurors were excused until 9:30 this morning, and Mr. Matthews argued in support of his motion. The court's ruling was reserved until today.

PEARL HARBOR DREDGING.

In the case of Clark & Henry vs. H. Hackfeld & Co., Ltd., and Castle & Cooke, Ltd., a S. Hartwell yesterday filed a notice to defendants to admit the following facts:

"That the plaintiffs Clark & Henry bid for, obtained and completed the contract for dredging the entrance or channel into Pearl Harbor, in the Territory of Hawaii, referred to in the resolutions in the plaintiffs' complaint for doing the necessary work to be performed to make the said entrance 200 feet wide at the bottom and 30 feet deep and that the performance and completion of the said work and contract were accepted by the United States Government."

In case of refusal or neglect to admit the foregoing within 48 hours, it is notified, the cost of proving the facts by depositions of witnesses residing without the Territory will be required to be paid by the defendants unless the judge presiding at the trial shall certify that the refusal was reasonable. Mr. Hartwell, in an affidavit, names the absent witnesses as Lieut. Col. Heuer, now stationed in California; Gen. Gillespie, chief of the Corps of Engineers of the United States Army, now stationed in Washington; L. Thompson, inspecting officer for the U. S. Government, and Clark & Henry in California. The reasons given for claiming the admission of defendants are that Castle & Cooke, Ltd., has paid to the plaintiffs \$17,575.49 in discharge of its obligation under resolution of the Ewa Plantation Co., and fulfillment of its guarantee save and except the joint liability with H. Hackfeld & Co., Ltd., under the resolution of the Ewa Plantation Co.; that Castle & Cooke, Ltd., has paid to the plaintiffs \$17,575.49 in discharge of its obligation under resolution of the Ewa Plantation Co., and fulfillment of its guarantee save and except the joint liability with H. Hackfeld & Co., Ltd., under the resolution of the Ewa Plantation Co.; that Castle & Cooke, Ltd., has paid to the plaintiffs \$17,575.49 in discharge of its obligation under resolution of the Ewa Plantation Co., and fulfillment of its guarantee save and except the joint liability with H. Hackfeld & Co., Ltd., under the resolution of the Ewa Plantation Co.

Frank Halstead left on Saturday on the steamer Mauna Kea for Australia, where he will look over the ranching prospects with a view to purchasing a ranch and sheep range.

ly reason for not paying its one-third was that Pearl Harbor was not decided to be open for commerce.

It is further declared by Mr. Hartwell "that there is now on file in the office of the Superintendent of Public Works of the Territory of Hawaii official correspondence of Hon. H. E. Cooper, now one of the attorneys of H. Hackfeld & Co., Ltd., then Superintendent of Public Works, with United States Army, officers showing that the work mentioned in said contract has been done and completed."

H. Hackfeld & Co., Ltd., by its attorneys, Kinney, McClanahan & Cooper, promptly filed a refusal to admit the stated facts.

COURT NOTES.

In the foreclosure of mortgage of H. Hackfeld & Co., Ltd., vs. W. C. Achi, Kapiolani Estate, Ltd., W. R. Castle and J. M. Monsarrat, defendant Monsarrat answers with admission of the allegations and consent to the prayer.

Before Judge Gear plaintiff in the assumpsit suit of Oriental Life Insurance Co., Ltd., vs. Wu Shing consented to voluntary nonsuit. W. R. Castle and W. L. Whitney for plaintiff; C. W. Ashford for defendant.

Ernest Pardon has been granted leave by the Supreme Court to withdraw his appeal from Judge De Bolt's decree in the matter of the estate of August Kraft, deceased.

Francis R. Day by his attorneys, Smith & Lewis and Louis J. Warren, demurs as a defendant in the suit of W. H. Palm vs. Paul Muhendorf and others, declaring that he never was a copartner with the plaintiff.

Judge Gear's jury was in attendance yesterday, but eighteen cases were called without finding one in which the attorneys were ready for trial.

THE EWA OUTRAGES

The Trial in Progress. Godfrey-Kidwell Decision.

(From Thursday's Advertiser.)

Lee Jim, Chew Hoy, Lee Yok and Loy Yin were placed on trial before Judge De Bolt yesterday, under indictment for robbery in the first degree. The case has relation to the outrages committed on the Ewa road last year. W. S. Fleming, Assistant Attorney General, appeared for the prosecution; H. G. Middleburgh for Loy Yin, J. A. Matthewsman for Lee Jim and Henry Hogan for Chew Hoy and Lee Yok. Through challenges the jury panel was exhausted in the morning and a special venire was issued for 15 talesmen, returnable at 2:30 p. m. After the return was made the following jury was found satisfactory: C. J. Ludwigsen, Percy Lishman, H. R. Macfarlane Jr., Henry P. Kaohi, G. Kealohapuaole, W. M. Buchanan, C. J. Falk, James Bicknell, John Coffee, Jessin Andrade, J. R. Galt and G. D. Mahone. Only one witness has thus far been called.

KIDWELL WINS OUT.

A majority opinion of the Supreme Court by Chief Justice Frear and Justice Perry, the latter being the writer, denies complainant's motion for a rehearing of the case of Frank Godfrey, as trustee for Thomas Metcalf, against John Kidwell. W. A. Whiting and C. F. Clemons appeared for complainant; Robertson & Wilder for respondents. Justice Galbraith dissents on the grounds stated in his dissenting opinion to the decision that the majority previously rendered in the same case.

The main contention of complainant all through was that Thomas Metcalf, while in his minority, made a sale of property to Kidwell which he confirmed after coming of age and that such sale was made under a misapprehension that the grantor owned but a one-half interest in the property. In its opinion the Supreme Court majority says:

"Our finding was that the deed was not executed under a mistake as to the facts on the part of either party,—that while both doubtless supposed that in all probability the grantor's interest would prove to be not more than one-half, still they speculated, knowing the deed to be operative to convey all the grantor's interest, whatever it might be, and took their chances as to all over as well as to all under one-half."

YOUNG NAP HELD UNDER THE WRIT

Judge Dole rendered a written decision yesterday on the motion to quash the writ of ne exeat in the bankruptcy case of Hoffschlaeger & Co., Ltd., vs. Young Nap, alias Young Lap, doing business under the name of Young Hop Chan. All the objections with a slight exception are overruled and the motion to quash is denied. The claim of the plaintiff is for a balance due upon goods sold and delivered of \$264.20.

When the respondent came to Honolulu recently from Waiakoa, Kula, Maui, with his family and secured passage to China for himself and them in the steamer Siberia, the writ was served after they had gone aboard and just before the steamer sailed. They all came ashore and the respondent was put under a bond of \$1000. This was later reduced by Judge Dole to \$1000. Thayer & Hemenway are attorneys for the petitioner, and C. W. Ashford and E. M. Wilson for the respondent.

ON to Australia.

Frank Halstead left on Saturday on the steamer Mauna Kea for Australia, where he will look over the ranching prospects with a view to purchasing a ranch and sheep range.

THE SESSION WILL NOT CLOSE BEFORE MONDAY

Senate Adjourns Too Early To Get Unpaid Bills. Prospect of More Trouble Over the Current Expense Bill in House.

The Legislature cannot now complete its work before Monday. Through a misunderstanding the Senate adjourned yesterday afternoon before receiving from the House the bill providing for the payment of unpaid bills, and consequently that measure cannot be given the required three readings before Monday.

The House reconsidered its previous action in passing the current expense bill and made a number of amendments, relating to the hospitals, in conformity with the suggestions of Governor Carter. The House also refused to pass the bill requiring litigants to pay costs of court, and as a consequence the current expense bill will have to be again amended. It is likely to be reconsidered today and the appropriations for the courts increased.

In the Senate the Depository bill, which Senator Achi regarded as the best measure of the session, was laid on the mortuary shelf after dying hard. At the instance of the Governor, the Salary bill was reconsidered for amendments deemed necessary after the Supreme Court's decision of the test case. Then for the third time it passed third reading on a call of the roll. With an amendment offered by Mr. Dickey, the House joint resolution for a County Act Commission went to the judiciary committee. The Sewerage bill loses one champion for two days in the leave of absence granted to Senator Isenberg.

HOUSE

At the opening of the session in the morning the House concurred, on motion of Kellinot, in the Senate amendment of the assessor's bill, limiting the amount of commission to five per cent. There was, but one negative vote on the final passage of the bill.

The Senate bill repealing the treasury note law of 1888 passed first reading.

Representative Kellinot presented a petition from the chairman of the Maui board of supervisors for an appropriation of \$3028.75 to repay the expenses incurred on Maui during ten days of county government.

Senate Bills No. 7 and 8, limiting the old appropriation bills to June 30th, 1904, both passed third reading unanimously and were sent to the governor.

The Senate bill, providing for the payment of expenses of the land registration courts from its receipts passed third reading—25 ayes, 3 noes.

Senate Bill No. 9, providing that litigants pay costs of court was upon motion of Kalama indefinitely postponed. Andrade wanted it referred to the judiciary committee, but the first motion carried, with fifteen ayes.

Upon motion of Kellinot the current expense bill was reconsidered on his statement, that the decision of the Supreme Court made some changes necessary. A recess was then taken.

AFTERNOON SESSION.
The House did not reconvene until

after three o'clock, when Chairman Harris of the Finance Committee presented a report favoring the adoption of the unpaid bills measure. He brought in a number of additional bills, including an item of over \$2,400 for the three banks, being money advanced to defray expense of floating the million dollar loan. The bill was then passed as amended with four dissenting votes.

HOSPITALS AGAIN.

Mr. Harris moved also a reconsideration of the current expense bill, and then proposed a number of changes in the reading of the hospital items which carried. The Queen's Hospital item of \$12,000 was stricken out, and instead was inserted an item of \$21,000 to be expended under the direction of the Board of Health in the care of indigent sick at Queen's Hospital, Leahi Hospital and the Kapiolani Maternity Home. Long thought persons sick through accident might not be cared for under the appropriation as proposed, but was satisfied by Harris that they would. The Malulani Hospital was given \$3,000 the Hilo Hospital \$4,000 and the Elesee Hospital \$500, all the changes being made by unanimous vote.

Upon motion of Harris, the changes in the expense bill were made to ratify expenditures already incurred under the old appropriation acts. The amendments are the same as made in the Senate to the Salary bill, upon suggestion of Governor Carter. Kumale objected that the action would be "retrospective" but his objection had no weight. The bill was finally passed on third reading by a vote of 23 to 5. It carries appropriations amounting to \$399,559.

GARDNER WILDER'S DEATH.

SAN FRANCISCO, April 14.—Gardner K. Wilder, a Honolulu lawyer, died here of pneumonia.



THE LATE GARDNER K. WILDER.

Gardner K. Wilder left Honolulu on the steamer Ventura to join his wife in the East, who had been there for the benefit of her health.

Mr. Wilder was a well known member of the Hawaiian bar and served for some time as judge of the Third and Fourth Judicial Circuits, resigning the latter office on May 15, 1900. At one time under Queen Liliuokalani he received the appointment of Deputy Mayor and later secured a local education at Ann Arbor, Michigan. It was there that he met the lady who afterwards became his wife. He married at Rochester, Michigan, on August 24th, 1892. Mrs. Wilder is a native of that State. Returning to the islands he re-

ceived the appointment of Deputy Attorney General, and held that office under different Attorney Generals in the latter part of Queen Liliuokalani's reign and in the troubles period preceding the overthrow.

On the death of Judge Wilcox last year Mr. Wilder was mentioned as a possible successor to the position but later in the year he went to Kona for the purpose of practicing law there.

Mr. Wilder was about forty years of age and was the eldest son of the late William L. Wilder. Besides his wife and mother Mr. Wilder leaves three daughters, Misses Lillian, William and Mary. Mr. Wilder was well known throughout the islands by his legal and literary attainments.

JURY BILL KILLED AGAIN.

Andrade again moved a reconsideration of the vote on the Senate bill taxing court costs to litigants. Kumale raised the point of order that a bill indefinitely postponed could not be considered again at the same session, and quoted the rules of the House, Cushing's Manual and a few other authorities by the yard. Speaker Beckley ruled the point not well taken, and the motion was put and lost, by a vote of 14 to 8.

PAY FOR TYPEWRITING.

Kellinot presented a resolution fixing the compensation for typewriting at not to exceed fifteen cents per folio. It was adopted without a dissenting vote.

Kellinot asked for the return of his petition for defraying the expenses of the Maui county, saying that the lists had been drawn up at great expense, and there was no duplicate. He said that the finance committee had not intended to consider the claim.

"That is somewhat of a slam at me," said Harris, the chairman.

"No, it isn't, only the finance committee didn't consider it an unpaid bill," replied Kellinot.

"The county of Maui is not a department of the government and the bill couldn't be included."

"It was though," replied Kellinot, "County of Maui, Territory of Hawaii."

"No, it wasn't."

"By jove it was," said Kellinot, "the legislature created it."

Kellinot had his petition returned, the incident was closed and the House adjourned until this morning at ten o'clock.

SENATE

Immediately after opening routine yesterday morning, Mr. Kaohi, under suspension of rules, moved to reconsider the nomination of Robert K. Naipo as inspector of election in the 1st precinct of the second district. When he objected the previous day to confirmation of that appointment he was under the wrong impression that Mr. Naipo was a member of the board of registration.

On motion of Mr. Achi, seconded by Mr. Woods, the appointment of Mr. Naipo was confirmed.

VOLE OF THANKS.

Mr. Woods presented a resolution, which was adopted, directing the clerk to communicate with the Honolulu Rapid Transit and Land Company, Limited, thanking it for its kindness in placing cars at the disposal of the Senate for the visit to the Aquarium at Waikiki.

THE GARBAGE BILL.

Third reading of House bill No. 3, relating to cleaning of streets, removal of garbage, etc., was called as first order of the day. On motion of Mr. Kahuokalani the bill was referred again to the Judiciary committee.

THE BONDS BILL.

Senate bill No. 17, relating to the sale of bonds, was taken up with the favorable report of the Finance committee. It passed third reading by the unanimous vote of the thirteen members attending this session.

THE DEPOSITARY BILL.

Senate bill No. 15, relating to depositing of public money in banks, was called on second reading.

Mr. Kahuokalani moved reconsideration of a vote adopting the report of the Finance committee which recommended deferring the measure to next regular session. Between him and the interpreter a mistake was made in designating the bill as No. 17. When the error was pointed out he renewed his motion with the correct number, and Mr. Achi raised the point of order that a motion to reconsider a matter could not be repeated.

Mr. Isenberg deprecated the action of the objector as taking advantage of the mistake of a member. For the sake of economy they were not having any bills printed this session, so that it was easy to make mistakes.

Mr. Dickey moved to refer the bill to the Judiciary committee. Mr. Isenberg to adopt the Finance committee's report tabling the bill.

There was another point of order as to precedence of motions. Mr. Dickey claiming that the motion to commit should come first, as the other motion was not to table the bill but to adopt a report. The chair ruled that the latter having the practical effect of tabling the bill should be put first.

The report was adopted, laying the bill on the table, by seven votes.

MALICIOUS INJURY.

House bill No. 5, relating to the misdemeanor of malicious injury, was referred on second reading to the Judiciary committee.

COUNTY COMMISSION.

House joint resolution No. 1, to provide for a commission to draft a County Act, came up for consideration. Mr. Dickey, seconded by Mr. Wilcox, moved to amend paragraph 3 to read as follows:

"That a commission of five members be appointed by the Governor, the President of the Senate to nominate two and the House of Representatives to nominate two, to draft a County Act to be presented at the regular session of the Legislature. The pay of commissioners shall be fixed at the next session of the Legislature and be commensurate with the amount of actual work done by each. No expenses shall be incurred under this resolution without the approval of the Governor."

Mr. Achi moved that the resolution and amendment be referred to a committee. They could not bind the next Legislature. He favored a special committee with Mr. Dickey as chairman.

Mr. Paris did not believe in a County Act Commission. It would only leave the work for the Legislature to do over again, which was the result from the former commission.

The whole matter was referred to the Judiciary committee.

THE SALARY BILL.

Mr. McCandless moved reconsideration of the vote on the Senate bill No. 1, the salary appropriations, recommending various amendments with which the bill should pass.

HIS NERVE WAS STRONG

Japanese Is Sentenced For Double Act of Forgery.

Cunning is a distinguishing ingredient in certain kinds of crime, nerve in others. It was nerve that gave tone to the dishonest exploits of Kobuke Nitchi, who was indicted in the forenoon and sentenced in the afternoon of yesterday for forgery. He pleaded guilty to the indictment and was sentenced by Judge Dole to be imprisoned at hard labor for two years.

It was forgery "double twilled, double filled and double struck in the weaving," as the old saying goes, which Nitchi committed. He was walking along a Hilo street when he picked up a letter addressed to another Japanese, Nitchi opened the letter and found it was from a brother of the man addressed, living at a town on the Pacific Coast. The letter was urging the brother in Hawaii to emigrate to the place where the writer dwelt.

Nitchi answered the letter himself, signing the name of the other Japanese. He told a hard luck story of times in Hawaii to show why he, the pretended brother, could not find the passage money wherewith to join the other in California. If his brother would but send him the means he would gladly go.

Then Nitchi watched for the mails from overseas and was rewarded by receiving delivery of the reply to his forged letter addressed to the other Japanese whom he was enterprisingly personating in a clerical capacity. Opening the missive he found it to enclose a postal money order for \$100. To this he forged the signature of the "person named in my letter of advice," receipting to the United States for the hundred dollars, and the amount was handed out to him through the pay bureau.

But the long arm of Federal justice darted from behind the screen and snatched the nifty Kobuke Nitchi to the bar. All his nerve may be needed in the ensuing two years to brace his system for toil in the Honolulu road quarries.

amendments to the bill, which the Governor had by letter requested him as chairman of the Finance committee to propose. He read the amendments, which appear below.

Mr. Achi wished to have the amendments, with the bill, referred to a committee, as there was danger of "getting all mixed up."

Mr. Dickey found a clerical error in designating one of the 1903 bills to start with, and the matter was referred to the Finance committee.

Mr. Isenberg was granted leave of absence for the rest of the week.

At 11:08 the Senate took recess until 2 o'clock.

AFTERNOON SESSION.

Mr. McCandless presented a report of the Finance committee on House bill No. 1, the salary appropriations, recommending various amendments with which the bill should pass.

Mr. Dickey said there was one little item in that bill he wished to have changed, therefore he moved the report be considered with the bill. Carried. Mr. Dickey said a great injustice had been done in reducing the salary of the keeper of kerosene and gunpowder, Honolulu, from \$125 to \$109 a month. The keeper was formerly paid \$150 a month, out of which he had been paying a helper. He moved to insert a new item of \$25 a month to the helper.

Then the clerk pointed out that the salary was \$125 in the bill, the \$109 having been a mistake made on a former reading. Mr. Dickey withdrew his amendment and moved that the amendments suggested by the Finance committee be adopted. Carried.

Mr. Woods moved to amend the pay of Honolulu sanitary inspectors by making it \$75 each, the total amount being left unchanged. Carried.

On motion of Mr. Brown the bill for a third time passed third reading on a roll call vote. Mr. Kalua of Maui giving the only negative vote.

THE AMENDMENTS.

The title is amended to read, "An Act providing for salaries and pay of employees of the Territory."

Section 5 is changed to read: "All sums appropriated by Act 16 of the extra session of 1903, other than those for items for which appropriations were made under Act 17 of said extra session, are hereby appropriated for the period commencing with the first day of January, 1904, and ending with the thirtieth day of June, 1904, and all warrants issued and payments made under said Act 16 are hereby ratified and confirmed."

A new section is added, thus: Section 6. This Act shall take effect on the first day of July, 1904, except Section 5 thereof, which shall take effect on the date of its approval."

NEWS FROM HOUSE.

After a short recess the Senate received two communications from the House announcing its action on a number of bills. Senate bill No. 6, amending Act 16 of the session laws of 1903, had passed third reading. Also, Senate bill No. 7, amending Act 18 of the extra session of 1903. Also, Senate bill No. 8, amending Act 17 of the extra session of 1903.

The House had concurred in the amendments made by the Senate to House bill No. 4, amending the law relating to the courts.

At 5:30 the Senate adjourned till 10 o'clock tomorrow.

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Roussin, Robert, Velpau, and others, combines

the desiderata to be sought in a medicine of

the kind, and surpasses everything hitherto

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the treatment of the kidneys, pelvis, and

bladder, and for the removal of uric acid

from the system, and for the relief of

all the various ailments which result from

uric acid, such as, rheumatism, gout, and

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MAJORITY FOR BOOTH

(From Thursday's Advertiser.)

C. W. Booth wins his water taxes case by a majority decision of the Supreme Court. Chief Justice Frear writes the controlling, and Justice Perry a concurring opinion, while Justice Galbraith files a dissenting opinion. Booth returned nearly fifty pieces of kula, taro, pasture, vegetable, mountainous and residence lands in Pauoa, Honolulu. The assessor increased a number of the valuations. The Tax Appeal Court sustained some and not others of these increases. Former Assessor Pratt added a new item—"two-thirds water rights Pauoa valley, \$100,000," which the Tax Appeal Court disallowed, whereupon the assessor brought the appeal now decided. Robertson & Wilder appeared for the assessor; J. A. Magoon and J. Lightfoot for the taxpayer.

LAW OF THE CASE.

The syllabus of decision reads as follows:

"If land with water rights appurtenant thereto and used solely in connection therewith, is assessed in full, including whatever added value it has by reason of such water rights when used solely in connection therewith, such water rights cannot be further assessed apart from the land, as to the whole or a part of their value, even if they may be worth more for other purposes than when used in connection with the lands to which they are appurtenant, and even if the land with such water rights might have been assessed higher because of the other purposes to which the water could be applied, and even if the water rights could be assessed separately if they had not been included in the land."

THE COURT'S REASONING.

Referring to the bill that passed the Legislature but was vetoed by the Governor, providing for the purchase of the Pauoa water from Booth for \$150,000, the Chief Justice, in affirming the judgment of the Tax Appeal Court, says:

"That the entire value of the water rights alone was not \$100,000 is clear. If we leave out of account the Governor's strong condemnation of the proposed bill in his veto message and other circumstances that tend to weaken the evidence adduced in support of the valuation contended for, and assume that all the evidence was not only admissible but entitled to consideration at its face value, still the proposed appropriation was not for the purchase, for \$100,000, of these two-thirds of the water rights, which were available only in small tractions on many different particular lands at many different fixed times, but was for the purchase, for \$150,000, of all the water rights with complete control and the power to use the water when and where and in what quantities desired, also for rights of way for pipe lines and for reservoir sites, and the sites of the springs, with the right to increase the outflow by tunneling or otherwise, and all for the purposes of the city water supply, to which use no private purchaser could put the water."

Justice Perry reasons at length that the legislative opinion, taken at its full effect, is not evidence that the water rights in question are worth \$100,000.

THE DISSENTING OPINION.

Justice Galbraith, dissenting, makes the following among other observations:

"It is not denied that the taxpayer made a vigorous effort during the session of the Territorial Legislature commencing on February 18, 1903, and closing April 28, 1903, to effect a sale of his rights in the water of these two springs for \$150,000, and would have succeeded in so doing but for the veto of the Governor and the failure to control the votes, lacking one, in the Senate necessary to pass the measure over the Governor's veto. In the absence of any evidence to the contrary the assessor has a right to assume that the taxpayer's interest in this water privilege was as valuable on the first day of January, 1904, as it was at the close of the legislative session in April prior thereto. Acting upon that presumption he had a right to place the valuation of \$100,000 on this property, the same valuation placed thereon by the taxpayer when he wanted to transfer it to the public."

It is held by Justice Galbraith that the claim that the value of the springs was included in that of the lands is proved an absurdity from the fact that the sum of the valuations approved by the Tax Appeal Court is only \$43,750. In his opinion the assessor should be commended "for taking the taxpayer seriously in his dealing with the Territory through its Legislature," and he says the "court has no right to presume such perfidy on the part of the legislative assembly as the contention of the taxpayer implies." Nearing his conclusion that the assessor had a right to assess the lands and water, using the best information at his command, and that the valuation placed thereon of \$142,750 ought to be sustained, Justice Galbraith makes these remarks:

"By his conduct Mr. Booth has rendered it entirely unnecessary for this court to speculate or to attempt to apply some set rule to the facts in order to ascertain the 'full cash value' of this property. We should assume that he placed the 'full cash value' on it himself when he attempted to sell it to the Territory first for \$250,000 and later for \$150,000. Under the facts of this case the doctrine of estoppel, or common honesty, ought to close the mouth of the taxpayer and forbid him to question the valuation made of this property by the assessor."

"It does not seem to me that Mr. Booth has any just cause of complaint if the same valuation is placed on his property for taxation purposes that he has positively represented to have been placed on it in the year 1903."

METEOROLOGICAL RECORD FOR MONTH OF MARCH

The record for the month, as a whole, was unique in the annals of the weather bureau. Light southerly winds and calms predominated, while the trades were conspicuous by their absence, and though there were light airs from that quarter during a portion of six days, they would by no means be designated as trade winds. The consecutive number of days of southerly winds was the greatest on record, while the wind force was the lightest, probably the lightest known here, the average for the month being but 0.25 Beaufort scale. As shown by the records of this office the average force of the March winds is 3.2.

The mean pressure for the month, 29.921, was .089 below the normal, a departure only exceeded once before (February, 1902—121) in the history of the weather bureau.

The rainfall was considerably in excess of the normal on all the islands with the exception of Hawaii, where, with the exception of the Kona district, the precipitation was much less than normal. This was also the case at the stations in the Honolulu and Nuuanu districts on Oahu above the 100 foot elevation. In these districts the heavy rains fell at the stations below this altitude, while at the stations above the downfall was less than normal.

As a result of the conditions above mentioned the relative humidity, dew point and cloudiness were all greatly in excess of their respective normals.

The artemian well water showed the effects of the heavy rains of February, and rose to 35.85 feet above mean sea level. These are the highest figures reached since this series of observations was taken up in March, 1899, and the end of April will doubtless show a much higher level. When the level of this water was first ascertained in 1892, it stood at 42 feet above mean sea level.

Honolulu—Temperature mean for the month, 71.2; normal, 70.7; average daily maximum, 77.0; average daily minimum, 66.0; mean daily range, 11 degrees; greatest daily range, 18 degrees (25th); least daily range, 5 degrees (5th); highest temperature, 80; (9th, 10th and 30th); lowest, 57 degrees (25th).

Barometer average, 29.921; normal, 30.010; highest, 30.06 (29th); lowest, 29.78 (15th and 16th); greatest 24-hour change, that is from any given hour of one day to the same hour on the next, .10 (3 p. m. 18th to 3 p. m. 19th); "lows" passed this point, 1st to 4th, 12th to 18th and 24th to 27th inclusive; "highs" 19th, 20th and 29th.

Relative humidity average, 83.4; normal, 71.7; mean dew point, 65.7; normal, 61.5; mean absolute moisture, 6.96 grains per cubic foot; normal, 6.05.

Rainfall, 7.30 inches; normal, 3.76; greatest rainfall in 24 hours, 1.41 (14th); rain record days, 22; normal, 18. The artemian well water rose from 34.89 to 35.85 feet above mean sea level. March 31st, 1903, it stood at 34.85. The average daily mean sea level was 9.77, the assumed annual mean being 10 feet above datum. For March, 1903, it was 9.59.

Trade wind days, none; normal, 18; average force of wind, Beaufort scale and during daylight only, 0.26; average cloudiness, tenths of sky, 6.7; normal, 4.6.

Approximate percentage of district rainfall as compared with normal: Hawaii: Hilo district, 12 per cent; Hamakua, 37; Kohala, 55; Waimea, 79; Kona, 162; Kau, 90; Puna, 27; Island of Maui, 198; Oahu: Honolulu district, below 100 feet elevation, 189; above, 55; Nuuanu below 100 feet elevation, 181; above, 82; Koolau, 254; Ewa, 356; Kauai: Lihue district, 225; Hanalei, 167; Waimea, 276.

The heaviest monthly rainfall was at Maunawili, Oahu, 19.97 inches. The heaviest 24-hour rainfalls were at Aiea, Honolulu, 5.46 inches, 23rd and Kipahulu, Maui, 4.43 same date.

TEMPERATURE TABLE.

Fr. Max. Min. Av. H. L. Ft. Max. Min. Av. H. L.

HAWAII—
Hilo 40 84.2 64.9 73.9 89 62
Pepeekeo 100 78.8 67.7 72.6 83 66
Kohala 521 80.0 67.1 72.9 86 63
Waimea 2730 74.9 57.2 65.4 80 52

MAUI—
Waiala 2700 74.5 58.1 65.6 81 50

LANAI—
Keomuku 10 79.0 71.5 75.1 85 66

OAHU—
Kinohiwa Street (Castle) 50 76.7 65.0 70.6 80 56
Ewa Mill 60 76.3 63.7 69.3 80 54
U. S. Exp Sta. 350 78.1 66.5 71.7 82 59

Kohala: Dew point, 65.0; relative humidity, 77.9.

Ewa Mill: Dew point, 63.0; relative humidity, 79.0; barometer average, 29.88.

Honolulu: Dew 10 mornings; lightning of southward on the evenings of the 12th and 15th; electric storms, 17th and 19th; thunder, 29th at 8:45 a. m. Reported from other stations: Hawaii: Kapoho, southerly winds all the month; Pepeekeo, large meteor March 8th at 11:45 p. m. moving from west to east; more or less snow on mountains all the month; very dry and streams running low; thunder 14th and lightning 15th; 18th, distant lightning all night; thunder, 28th; large hail round the sun 21st at 12 m. and 29th at 11 a. m.; dew 9 mornings; heavy surf 23rd and 26th; wind force, 2.4; cloudiness, 5.7; Kohala, earthquake 29th at 11:45 a. m. and 30th at 12:15 p. m.; Waimea, earthquake 29th; calm and light westerly winds predominated; Hilo, clear weather throughout the month excepting the 5th and 25th.

H. C. LYDECKER, Territorial Meteorologist.

RAINFALL FOR MARCH 1904

Hilo 19.97
Pepeekeo 10.00
Kohala 5.46
Waimea 7.30
Maui 4.43
Lanai 7.90
Oahu 19.97

Kaunama 1250 6.72
Pepeekeo 100 1.38
Kipahulu 200 3.22
Honohina 300 3.80
Punohua 1050 5.83
Laupahoehoe 500 10.85

Hamakua.
Kukui 250 2.97
Pauwahi 300 2.07
Honokaa (Mill) 425 4.47
Honokaa (Melinke) 1100 5.86
Kukuihele 700 4.14

Kohala.
Awini Ranch 1100 8.78
Niihii 200 3.19
Kohala (Mission) 521 4.14
Kohala (Sugar Co.) 270 2.96
Hawi Mill 700 4.47
Puakea Ranch 600 4.18
Puuhoe Ranch 1847 5.16
Waimea 2720 3.69

Kona.
Huehue 2000 8.60
Holluloa 1250 8.40
Kealahakua 1580 6.23
Napooopo 25 4.63
Hoopuloa 1650 6.11
Hoopuloa 2300 5.92
Puuhawaa Ranch 2700 6.59

Kau.
Honuapo 15 4.44
Nanalehu 650 5.61
Hilea 310 4.40
Pahala 850 4.69
Volcano House 4000 4.47

Puna.
Kapoho 110 2.43
Pahoa 600 3.13

MAUI.
Walopae Ranch 700 9.80
Kaupo (Mokulau) 285 9.48
Kipahulu 308 9.19
Nahiku 900 9.88
Nahiku 1600 13.00
Hailu 700 8.90
Kula (Erehwon) 4500 9.68
Kula (Waiala) 2700 10.65
Puomalei 1400 9.92
Pala 180 8.91
Haleakala Ranch 2000 9.20
Wailuku 250 11.31

LANAI.
Keomuku 10 6.78

OAHU.
Punahou (W. Bureau) 47 7.30
Kulaokahua (Castle) 50 6.28
Makiki Reservoir 120 4.36
U. S. Naval Station 6 4.54
Kapiolani Park 10 5.46
College Hills 175 6.61
Manoa (Woodlawn Dairy) 285 6.90
Manoa (Rhodes Gardens) 360 8.04
Insane Asylum 30 6.91
Nuuanu (Hall) 50 6.68
Nuuanu (Village St.) 250 6.86
Nuuanu (Elec. Station) 405 6.65
Nuuanu (Luakaha) 850 11.69
U. S. Experiment Station 350 7.25
Tantalus Heights (Frear) 1360 5.93
Waimanalo 25 16.35
Maunawili 300 19.97
Kaneohe 100 14.52
Aiea 350 19.37
Kahuku 25 9.25
Wahiawa 900 15.61
Ewa Plantation 60 6.97
Waipahu 200 7.17
Moanalua 15 7.18

KAUAI.
Lihue (Grove Farm) 200 10.43
Lihue (Mokooka) 300 10.21
Lihue (Kukua) 1000 11.09
Kilauea Plantation 325 17.03
Wahiawa 22 6.33
Elele 150 4.74
McBryde Residence 850 5.50
Lawai (Gov. Road) 450 7.14
Lawai, West 225 4.78
Lawai, East 800 5.57
Koloa 100 6.24

DELAYED REPORTS, FEBRUARY.

Pahala 15.10
Hawi Mill 13.43
Ookala 10.29
U. S. Magnetic Station 25.29
Honokaa 16.71
Kilauea 15.35

R. C. LYDECKER, Territorial Meteorologist.

READ ALL OF THIS

You Never Know the Moment When This Information May Prove of Infinite Value.

(From the Sydney, N. S. W., Herald.)

It is worth considerable to any citizen of Honolulu to know the value and use of a medicine, for if there is no occasion to employ it, in the meantime, frail humanity is subjected to so many influences and unforeseen contingencies that the wisest are totally unable to gauge the future. Know then that Doan's Ointment will cure any case of hemorrhoids, commonly known as piles, or any disease of the rectum or skin, generally termed eczema. One application convinces—a continuous cures. Read this proof:

Mr. William Gilliver, of the well-known firm of Gilliver & Curtis, railway and general contractors, and whose private address is "Avoca," Bankstown, a suburb of Sydney, N. S. W., has written the following unsolicited letter, which we herewith publish in full:

Messrs. Foster, McClellan Co., 76 Pitt St., Sydney, N. S. W., February 14, 1904.

Dear Sirs:—In justice to you and suffering humanity I write to you that I suffered from itching piles for 22 years. I tried many doctors and pretty well all kinds of patent medicines, but got relief for a short time only. Seeing your Ointment advertised, I bought a box and did not use more than one-half of it, not six months ago, and I am perfectly cured. You may use this as you wish.

Yours faithfully,

WILLIAM GILLIVER.

Doan's Ointment is sold by all druggists and is a sure cure for all cases of hemorrhoids, itching piles, and all diseases of the rectum or skin, generally termed eczema.

SKIN TORTURES

And Every Distressing Irritation of the Skin and Scalp Instantly Relieved by a Bath with CUTICURA SOAP

And a single anointing with CUTICURA, the great skin cure and purifier of eczematous. This is the purest, sweetest, most speedy, permanent, and economical treatment for torturing, disfiguring, itching, burning, bleeding, scaly, crusty, and pimply skin and scalp humours with loss of hair, and has received the endorsement of physicians, chemists, and nurses throughout the world.



Millions of Women

USE CUTICURA SOAP, exclusively, for preserving, purifying, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the stopping of falling hair, for softening, whitening, and soothing red, rough, and sore hands, in the form of baths for annoying irritations, inflammations, and chaffings, or too free or offensive perspiration, in the form of washes for ulcerative weaknesses, and for many sensitive antiseptic purposes which readily suggest themselves to women, and especially mothers, and for all the purposes of the toilet, bath, and nursery. No amount of persuasion can induce those who have once used it to use any other, especially for preserving and purifying the skin, scalp, and hair of infants and children. CUTICURA SOAP combines delicate emollient properties derived from CUTICURA, the great skin cure, with the purest of cleansing ingredients and the most refreshing of flower odours. No other medicated soap ever compounded is to be compared with it for preserving, purifying, and beautifying the skin, scalp, hair, and hands. No other foreign or domestic toilet soap, however expensive, is to be compared with it for all the purposes of the toilet, bath, and nursery. Thus it combines in ONE SOAP, the BEST skin and complexion soap, the BEST toilet soap and BEST baby soap in the world.

Complete External and Internal Treatment for Every Humour,

Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle, CUTICURA Ointment, to instantly allay itching, inflammation, and irritation, and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. A SINGLE BATH is often sufficient to cure the most torturing, disfiguring, and humiliating skin, scalp, and blood humours, with loss of hair, when all else fails. Sold throughout the world. Aust. Depot: R. Towns & Co., Sydney, N. S. W. So. African Depot: LEXSON LTD., Cape Town. "All about the Skin, Scalp, and Hair," free. FOSTER DRUG AND CHEM. CO., Sole Props., Boston, U. S. A.

NATIONAL GUARD WILL NOT BE DISBANDED

Militia Will Be Maintained With Aid From National Government and From Private Subscriptions.

The National Guard will not be disbanded as a result of the failure of the Legislature to provide for its maintenance. Instead, Colonel Jones will endeavor to maintain the militia in as high a state of efficiency as possible with the support, derived from the United States government and financial aid promised by individual citizens of the Territory.

"There is no law requiring the militia to be disbanded," said Colonel Jones, commanding officer of the National Guard yesterday morning. "But there is a law on the statute books of the Territory, and a federal law requiring that the National Guard be maintained. We intend to do the best we can without an appropriation from the Legislature and will endeavor to continue the National Guard in as high a state of efficiency as is possible with the limited resources at hand. Since the first talk of cutting out the militia started, I have received many offers of support from representative citizens of the Territory. These were men who owned their own homes, and some who did not, but all of them were willing to contribute as much as they were able, to the support of the guard."

"The militia organization will be continued as at present if possible though naturally we will be sadly hampered by the withdrawal of the support of the Territory. The National Guard gets some support from the United States government, in fact, the War Department has been doing more for the militia of the Territory, than for any other State or Territory with the exception of one. We were receiving \$4,000 a year from the United States under the old federal appropriation of a million dollars, and from the two million dollar appropriation passed in furtherance of the so-called Dick bill, we received first \$5,000 annually, which recently was increased to \$7,500 a year. So we were entitled up to the end of the fiscal year to about \$12,500 instead of which we were given some \$18,000 in supplies and equipment. This is considerably in excess of the amount we were allotted on the division of this appropriation between the various states and territories."

"The support the National Guard receives from the United States is not in cash of course, but we are permitted to draw upon the War Department for equipment or supplies to the amount named."

"This does not include everything required by the militia to keep up to the standard of efficiency demanded by the War Department. Having our supplies drawn from the War Department, we are entitled to a considerable sum in the way of a grant. For instance there is \$100,000

which arrived on Tuesday from San Francisco, sailed last evening for the island of Kahoolawe under charter to the Henry Waterhouse Trust Company. This is her initial trip in Hawaiian waters. The passengers were Mr. and Mrs. C. C. Conradt, Mrs. Wm. Lanz, who go to Kahoolawe to remain on the Conradt ranch for two or three months, R. W. Shingle and A. N. Campbell, of the Waterhouse Trust Co., and Wm. Kilpatrick, the Colorado contractor, who accompanied Mr. Shingle.

The steamer is under charter to the Trust Company and will be engaged in transporting several hundred head of cattle belonging to W. T. Robinson, Tax Assessor of Maui, and the Cornwell Estate, who have sold their belongings to Francis Gay on Lanai. The vessel will remain in Maui waters until Saturday when it will be brought back to Honolulu with sixty head of cattle for local consumption.

The passengers on the return trip will be Messrs. Shingle, Campbell, Paul Jarrett, manager of Uluhalua Ranch, and Mr. Kilpatrick.

REMEMBER YOU START on a journey, procure a bottle of Chamberlain's Cough, Croup and Whooping Cough Remedy. This may save you much trouble and expense, and it can be bought of any druggist or sent by mail to you on receipt of the enclosed card. For full particulars of this remedy, see the enclosed card.



THE OLD RELIABLE
ROYAL
BAKING POWDER
 Absolutely Pure
THERE IS NO SUBSTITUTE

ARRIVED AT HONOLULU.

Tuesday, April 12.
 Stmr. Likeli, Berg, from San Francisco, at 7 a. m.

Wednesday, April 13.
 Stmr. Mikhala, Gregory, from Kauai ports at 4:30 a. m.
 Stmr. Lehua, Self, from Molokai ports.

DEPARTED FROM HONOLULU.

Tuesday, April 12.
 Stmr. Kinan, Freeman, for Hilo and way ports, at noon.
 Stmr. Kauai, Bruhn, for Lahaina, Kaanapali, Honouliuli, Kihel, Makena, Maiala, Honokaa and Kukuhaele, at 5 p. m.

Stmr. W. G. Hall, S. Thompson, for Kauai ports, at 5 p. m.
 Stmr. Claudine, Parker, for Maui ports, at 5 p. m.
 Stmr. Lehua, Naopala, for Molokai ports, at 5 p. m.
 Am. schr. Aloha, Fry, for Kaanapali, at 9 a. m.

Wednesday, April 13.
 S. S. Alameda, Dowdell, for San Francisco at 9 a. m.
 Am. bktn. Archer, Lancaster, for San Francisco at 9 a. m.
 Stmr. Ke Au Hou, Tullett, for Kaanapali, Hanalei, and Kalihiwai at 5 p. m.

Thursday, April 14.
 Stmr. Lehua for Molokai, Maui, and Lani ports, at 5 p. m.
 Gas. schr. Eclipse, Gahan, for Anahou at 5 p. m.
 Schr. Kawailani for Koolau ports.
 Stmr. Mikhala, Gregory, for Kauai ports at 5 p. m.

RACES ON JUNE 11

Jockey Club Program Has Fourteen Entries.

A good program of races has been prepared by the committee of the Hawaiian Jockey Club for the annual meeting on June 11. Following is the first correct list of events to be published:

- First Race—One-half mile dash, free for all. Purse \$75.
- Second Race—2:18 class, best two in three heats. Purse \$200.
- Third Race—Pony race, 14 hands and under, one-half mile dash. Cup, \$25. Entries close on June 11 with secretary.
- Fourth Race—2:30 class, best two in three heats. Purse \$150.
- Fifth Race—Five-eighths mile dash, free for all. Purse \$75.
- Sixth Race—Rosta challenge cup, 1 mile dash, free for all. Purse \$150, \$50 added if track record is beaten.
- Seventh Race—Trotting and pacing, free for all, best two in three. Purse, \$100.
- Eighth Race—Trotting and pacing, Hawaiian bred, best two in three. Purse \$150 and California Feed Cup.
- Ninth Race—Three-fourths mile dash, free for all. Purse \$100, and Directors Cup to be won twice by same owner.
- Tenth Race—Pony race, three-eighths mile dash, 13 hands and under. \$25 cup. Entries to close June 11 with secretary.
- Eleventh Race—Gentlemen's driving race, members Hawaiian Jockey Club; horses that have not started in any race at this meeting. Rapid Transit Co.'s cup, to be won twice by same owner.
- Twelfth Race—Relay race, no race horses; three mile dash. \$25 cup. Entries close June 11 with secretary.
- Thirteenth Race—Polo pony race, Ponies to be passed by some officer of Honolulu Polo Club. Three-eighths mile dash. \$25 cup. Entries close June 11 with secretary.
- Fourteenth Race—One and one-half mile dash, free for all. Purse \$150, and Primo Cup, to be won twice by same owner.

TWO BOYS HAVE AN ADVENTURE

There was considerable excitement in the neighborhood of Union street and Garden lane about five o'clock last night. People passing the plantation shop of R. W. Quinn noticed two young Portuguese looking on suspiciously at some workmen from that place.

They determined to watch the pair. After about the little fellow noticed that they were being watched. One managed to get them away while the other, who was a bit slower, was taken to the station house by the police. He told them the two men had been working on the plantation and that he was afraid they were going to steal some of the fruit. The police were notified and the two men were taken to the station house.

LIKELIKE IS A FINE STEAMER

The new Wilder steamship Likeli, a splendidly constructed steamer, arrived in port early yesterday morning from San Francisco, after having had a good trip and having withstood two days of heavy weather with no difficulty. Captain E. M. Berg, formerly in command of the steamer Hawaii, brought the vessel down from the coast. The Likeli will probably leave this afternoon on a special trip to Maui and Lanai ports. No time was lost yesterday in discharging the vessel and preparing her for her new work. Captain Napala, former master of the Lehua, was early aboard the Likeli and received many congratulations on his promotion to the command of the new steamer.

MODERN IN ALL RESPECTS.

The Likeli is a modern vessel in every way and is said to have cost the steamship company about \$50,000. She was built by the Union Iron Works at San Francisco under the supervision of Constructing Engineer Johnson, of the Wilder Company. She is 130 feet long and has a thirty foot beam. She has ample cargo capacity and space upon deck for carrying a large number of cattle. For passengers she has capacity for twenty-one first-class and one hundred deck. The first-class passengers' quarters, as well as those for the officers of the vessel, are much superior to the average accommodations found on inter-island vessels. The staterooms are large and airy contain two bunks, a sofa, and are of more than average height. The dining saloon of the vessel is a very handsome one. It is well lighted, has a high ceiling, and a neat companion way running to the upper deck. The deck room for the first-class passengers is ample. The decks are wide, protected by good railings, and in every respect spotlessly clean.

The vessel has all modern machinery. Her engines are first-class as is every other item of machinery from the winches to the telegraph connecting the pilot house with the engine room. Captain Napala's quarters are just aft of the pilot house and are very commodious. The vessel's speed is thirteen and one-half knots.

The Likeli will carry a crew of a captain, two mates, three engineers, two oilers, three firemen, one watchman, six deckhands, and four men in the steward's department.

HAS A CLEAN RECORD.

Captain Napala, the native skipper of the Likeli, has a clean record. He has been to sea here for many years and has never had a mishap. It is curious that Napala, who served as a sailor on the former steamer Likeli about seventeen years ago, should secure the command of the new Likeli. After serving three years as a sailor on the Likeli Napala served in a similar capacity on the steamer Mokoli. He then took a shore position for about four years. Returning to the service of the Wilder Company he went out again on the steamer Mokoli as chief mate, holding the place for about fifteen months. He was then placed aboard the schooner Golden Gate as chief mate and after holding this position for about three months was given command of the vessel. He remained on board for seven months as skipper. Afterwards the Golden Gate was wrecked by another captain on Lanai. Napala did so well as captain of the Golden Gate that he was promoted to the command of the steamer Mokoli. During the plague times he was chief mate of the steamer Helene for one trip. He again took command of the Golden Gate and later took the Mokoli again, commanding her for about a year and six months. He then took charge of the Lehua. As captain of the Lehua he piloted that vessel on many dangerous voyages through the Molokai channel and to the ports and rough landings on Maui, Lanai, and Molokai. He is known as a very careful and cool headed man.

Notable Improvement.

The Wilder Steamship Company is installing telegraph systems on all of its steamers. Heretofore the gong system has been in vogue on these vessels for communication between the bridge of each of their vessels and their engine rooms. The telegraph system is the same as is in use on all ocean liners and gives a more direct communication between the bridge and the engine room. The system will not be in operation in the regular steam line but in this way accidents are avoided.

BOMBING FOR LOST SHIP.

Little Nell, a well known neighborhood school teacher and mother, was yesterday the target of a bomb thrown by a person who was seen to be in the crowd. The bomb was thrown from the crowd and exploded near the school. The teacher and her pupils were not hurt.

Many Raindrops.

The effect of the rain was felt by many of the people who were out today. The rain was heavy and fell for several hours. The people who were out today were very wet and many of them were complaining of colds.

CZAR ATTENDS A SOLEMN REQUIEM

(Continued from page 1.)

JAPAN'S ARMY AT WIJU.

SHANGHAI, April 15.—The main force of the Japanese are at Wiju.

Future landings will be made near Chulsan. Seventy wounded Japanese soldiers have been sent home from Wiju.

FIRING AT PORT ARTHUR.

CHEFOO, April 15.—Intermittent firing was heard at Port Arthur all day Thursday.

COURTESIES FROM KOREA.

SEOUL, April 15.—Yi-Chi-Ying has left for Japan to return the Marquis Ito's visit and carry presents to the Mikado.

AFTERNOON REPORT.

ST. PETERSBURG, Russia, April 14.—An official report from the naval battle at Port Arthur states that Japanese torpedo boats sunk the Russian torpedo-destroyer Bezstrashni. Forty-five officers and men of the destroyer's crew perished.

The Russian battleship Pobieda, an 18-knot ship of 12,674 tons, was damaged in the engagement, but there was no loss of life.

Detailed reports of the loss of the Petropavlovsk state that the entire staff of Admiral Makaroff went down with their commander and were drowned.

JAPANESE REPORTS.

The following cablegram was received at the Japanese Consulate yesterday morning:

Washington, April 14.

To SAITO:

We report that Admiral Uriu states that according to the report made to him by the third flotilla of torpedo-boat destroyers on the 13th of April, our fleet made another attack on Port Arthur and during the engagement one of the enemy's battleships, which in size and shape seemed to be the Petropavlovsk, has been sunk and also one of their torpedo-boat destroyers.

None of our ships sustained any injuries. No official report has been received from Admiral Togo yet.

TAKAHIRA.

TOKIO, Japan, April 14.—The Japanese claim that the Russian battleship Petropavlovsk was destroyed by a mine laid by the Japanese. The fleet has placed mines outside the line of Russian defense and it is claimed that one of these was what the Russian vessel encountered with such deadly effect.

MISSOURI DEATH LIST.

PENSACOLA, Fla., April 14.—Two more seamen are dead from injuries received in the explosion yesterday on board the battleship Missouri.

CREMATORY MAY BE PUT INTO OPERATION

The Public Works Department is attempting to rebuild the government crematory which, since it was purchased several years ago at a cost of over \$20,000 has been allowed to go to rack and ruin on the waterfront. The machinery for the crematory was bought with the intention of constructing it immediately, but once the material arrived it was discovered that the legislature had made no appropriation for its erection, and since then the crematory has been exposed to all sorts and conditions of weather and is in very bad shape. Superintendent Holloway set men to work the other day attempting to rehabilitate the machinery but is not certain whether the attempt will be a success or not. The legislature at the last session made an appropriation of \$10,000 with which to erect the crematory, and the Public Works Department is now at work trying to get some return from the first investment of about \$23,000 already made. The crematory is made up of brick furnaces and considerable iron work, which has been allowed to rust. The bricks are still good, although the foundation for the plant which was commenced during the plague epidemic is badly in need of repairs. The big smoke stack is also rusted and Supt. Holloway is having all the parts of the plant scraped, cleaned and painted. The lumber is rotted and will have to be replaced, but otherwise unless some parts of the plant are missing, Supt. Holloway believes it possible to put the crematory in working order. Once this is done, Mr. Holloway believes that the plant will be made to give some return, as the product of the crematory is available for fertilizer purposes.



A. J. CAMPBELL, THE NEW TERRITORIAL TREASURER.

U. S. GRAND JURY REPORT

Indictments of Eleven Persons, Mostly Japanese.

Upon the fourth day after being sworn in, the grand jury presented its final report in the United States District Court yesterday morning. Judge Dole discharged the grand jurors, thanking them for their earnest work and public spirit, whereupon they filed into the clerk's office and received drafts covering their fees.

The report showed that the grand jury had found eleven true bills and in two cases investigated found no bills. Following is the list of the persons indicted, with the offenses charged:

THOSE INDICTED.

Saburo Adachi, perjury.
 Torakichi Shoda, importation of women for purposes of prostitution.
 Hikotaro Yoshinaga, adultery.
 Kobuke Nichi, forgery postal money order.
 Shichiro Murakami and Maku Maku-moto, adultery.
 Naka Matsumoto, bigamy.
 Ougi Shigematsu, Kunitaro Suga and Nadi Tsunekichi, holding a person to a condition of peonage and selling a person into involuntary servitude; two counts.
 Ougi Shigematsu, Kunitaro Suga and Nadi Tsunekichi, conspiracy.
 Nadi Tsunekichi, adultery.
 Yonekichi Kimura, illicit distilling and carrying on business of distiller. Two counts.
 Frank Testa, mailing obscene matter.

One of the defendants, Kobuke Nichi, has already pleaded guilty and been sentenced. Adachi will plead to his indictment on Thursday next, all the rest having their arraignments set for tomorrow.

CARELESS POSTAL DELIVERY.

Referring to one of two cases in which no bill was returned, that of Juan Storer charged with "taking and detaining mail addressed to another person," the grand jury in its report says:

"We desire to express our opinion that the post office authorities at the post office of Honolulu should exercise more care in seeing that mail is delivered to the persons to whom the same is addressed than was shown to have been exercised in the case we have investigated."

JAPANESE MARRIAGES.

In regard to a case wherein it was shown a Japanese man and woman were intermarried in Hawaii notwithstanding that the woman had been previously married to another man in Japan, the grand jurors were uncertain as to whether the couple so intermarried knew that a marriage in Japan was valid in the United States. Nevertheless they deemed it advisable to return indictments in the case, in order that the Oriental population resident in this Territory might be fully advised that marriages in their own country were valid here.

THANKS TO OFFICIALS.

The grand jury records its thanks to District Attorney R. W. Breckons, Assistant Attorney J. J. Dunne and Marshal E. R. Hendry in the following terms:

"In conclusion we desire to express to the Court our appreciation of the manner in which cases were brought to our attention. Through our session no delays whatever have occurred; the cases presented were well prepared by the United States Attorney and his assistant; and through the efforts of the United States Marshal, witnesses in these cases were always on hand. It was largely through the work of the United States Attorney's office and the Marshal's office, that we were enabled to complete our work in so short a time."

THE PUBLICATION CASE.

There are three counts in the indictment against F. J. Testa, editor and publisher of the Independent, specifying unlawful publications in as many separate issues of his paper. When the indictment was presented Marshal Hendry sent for Mr. Testa, who went to the Marshal's office. He was conducted into court, when Judge Dole held him to plead in his personal bond for \$1000.

WHOOPING COUGH.—This is a very dangerous disease unless properly treated. Statistics show that there are more deaths from it than from scarlet fever. All danger may be avoided, however, by giving Chamberlain's Cough Remedy. It soothes the throat, makes it easier to expectorate, keeps the cough loose, and makes the symptoms of coughing less frequent and less severe. It has been used in every section of this country with perfect success. For sale by all Dealers and Druggists. Beware of cheap imitations. Ask for Chamberlain's Cough Remedy.

Having recovered from my illness, I can now say that I am well and happy. I am now able to do my work and am very grateful to the doctors who treated me. I am now able to do my work and am very grateful to the doctors who treated me.

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FORECLOSURES

MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF FORECLOSURE SALE.

In accordance with the provisions of a certain mortgage made by Chin She and Hee Shing, her husband, to William R. Castle, Trustee, dated April 11th, 1901, recorded in Liber 221, page 205, now held by the Western & Hawaiian Investment Co., Ltd., as assignee, notice is hereby given that the mortgagee intends to foreclose the same for condition broken, to-wit: non-payment of both interest and principal.

Notice is likewise given that after the expiration of three weeks from the date of this notice, the property covered by said mortgage will be advertised by posting for sale at public auction, at the auction rooms of James F. Morgan, in Honolulu, on Saturday, the 14th day of May, 1904, at 12 noon of said day. Further particulars can be had of Castle & Withington, attorneys for mortgagee.

Dated Honolulu, April 12th, 1904.
 WESTERN & HAWAIIAN INVESTMENT CO., LTD.
 Mortgagee.

The premises covered by said mortgage consist of two lots in Kamakela, in Honolulu, Oahu, described in said mortgage as Lots 5 and 6 upon a map of a sub-division of Apana 1 of Royal Patent 1985 on L. C. Award 6245 to Kakaekoko, said lots have a joint front of 99 feet and a depth of 73.3 feet one side and of 70.7 feet on the other. Also the buildings on said premises standing, the whole making an unusually fine piece of property.

2581—Apr. 15, 22, 29 May 6, 13.

ELECTION OF OFFICERS.

UNION MILL CO., LTD.

At the annual meeting of the Union Mill Co., Ltd., held in Kohala on the 24th day of March, 1904, the following officers were elected for the ensuing year:
 President.....Jas. Renton
 Vice-President.....H. H. Renton
 Treasurer.....F. M. Swanzy
 Secretary.....H. H. Renton
 Auditor.....H. W. M. Mist
 H. H. RENTON,
 Secretary Union Mill Co., Ltd.
 2578

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HAWAIIAN LAUHALA MATS

MADE TO ORDER

Any size mesh from one-eighth inch up to an inch and a quarter.

For further information and prices, write to the undersigned.

G. W. McDougall,

POST OFFICE,
 HOOKENA, SOUTH KONA,
 HAWAII.

